

Mr. KNOLLENBERG, and Mr. BALLENGER):

H.R. 2758. A bill to amend title 18, United States Code, to minimize the unfair competition for Federal contracting opportunities between Federal Prison Industries and private firms (especially small business concerns), to provide to Federal agencies in their dealings with Federal Prison Industries the contract administration tools generally available to assure quality performance by their other suppliers, and for other purposes; to the Committee on the Judiciary.

By Mr. RUSH:

H.R. 2759. A bill to amend the Immigration and Nationality Act with respect to the requirements for the admission of non-immigrant nurses who will practice in health professional shortage areas; to the Committee on the Judiciary.

By Mr. CUNNINGHAM (for himself, Mr. TANNER, Mr. YOUNG of Alaska, Mr. CHAMBLISS, Mr. PETERSON of Minnesota, Mr. HUNTER, Mr. LEWIS of California, Mr. JOHN, Mr. METCALF, Mr. NORWOOD, Mr. BARR of Georgia, Mr. GIBBONS, Mrs. CUBIN, Mr. BOYD, and Mr. POMBO):

H.R. 2760. A bill to amend the Sikes Act to establish a mechanism by which outdoor recreation programs on military installations will be accessible to disabled veterans, military dependents with disabilities, and other persons with disabilities; to the Committee on Resources, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Mrs. LOWEY, Ms. NORTON, Ms. FURSE, Ms. PELOSI, Mr. LANTOS, Mr. MEEHAN, Mr. FILNER, Mrs. MALONEY of New York, Mr. DELAHUNT, Mr. NADLER, Mr. OLVER, Mr. SCHUMER, Ms. RIVERS, Ms. VELAZQUEZ, Mr. KENNEDY of Rhode Island, and Mr. WYNN):

H.R. 2761. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Government Reform and Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST:

H.R. 2762. A bill to amend the Federal Water Pollution Control Act to improve the protection of the Nation's wetlands and watersheds, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GOSS:

H.R. 2763. A bill to provide that an annual pay adjustment for Members of Congress may not exceed the cost-of-living adjustment in benefits under title II of the Social Security Act for that year; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN (for himself and Mr. MEEHAN):

H.R. 2764. A bill to amend the Internal Revenue Code of 1986 to increase the excise tax rate on tobacco products and deposit the resulting revenues into a Public Health and Education Resource Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

By Mr. HILLIARD:

H.R. 2765. A bill to amend the Internal Revenue Code of 1986 to specify certain circumstances that give rise to affiliation or control of a nonprofit organization by a for-profit organization for purposes of denying eligibility for the low-income housing tax credit; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself, Mr. PORTMAN, Mr. HALL of Ohio, Mr. GILLMOR, Mr. STRICKLAND, Mr. BOEHNER, Mr. KUCINICH, Mr. STOKES, Mr. BROWN of Ohio, Ms. PRYCE of Ohio, Mr. TRAFICANT, Mr. NEY, Mr. OXLEY, Mr. KASICH, Mr. SAWYER, Mr. REGULA, Ms. KAPTUR, Mr. HOBSON, and Mr. CHABOT):

H.R. 2766. A bill to designate the United States Post Office located at 215 East Jackson Street in Painesville, Ohio, as the "Karl Bernal Post Office Building"; to the Committee on Government Reform and Oversight.

By Mrs. MORELLA (for herself, Mr. DAVIS of Virginia, and Mr. MORAN of Virginia):

H.R. 2767. A bill to provide additional compensation for members of the Metropolitan Police Department and Fire Department of the District of Columbia, the United States Secret Service Uniformed Division, and the United States Park Police who carry out certain technical or hazardous duties, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. SANFORD:

H.R. 2768. A bill to provide for the retirement of all Americans; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Rules, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHUMER (for himself, Mr. MEEHAN, Mr. NADLER, Mr. McDERMOTT, Ms. LOFGREN, Mr. MENENDEZ, Mrs. MORELLA, Mr. BERMAN, Ms. KILPATRICK, Mr. GUTIERREZ, Mr. BARRETT of Wisconsin, Ms. FURSE, and Mr. BLAGOJEVICH):

H.R. 2769. A bill to ensure that background checks are conducted before the transfer of a handgun by a firearms dealer; to the Committee on the Judiciary.

By Mr. SHAW:

H.R. 2770. A bill to amend the Tariff Act of 1930 to provide for a deferral of the duty on large yachts imported for sale at boat shows in the United States; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 2771. A bill to amend the Harmonized Tariff Schedule of the United States relating to the definition of raw value for purposes of raw sugar import tariff rate quota; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 2772. A bill to establish an Office of National Security within the Securities and Exchange Commission, provide for the monitoring of the extent of foreign involvement in United States securities markets, financial institutions, and pension funds, and for other purposes; to the Committee on Commerce, and in addition to the Committees on International Relations, Banking and Financial Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LINDA SMITH of Washington (for herself, Mr. WOLF, Ms. PELOSI, Mr. SMITH of New Jersey, Mr.

GEJDENSON, Mr. WELDON of Florida, Mr. SOLOMON, Mr. GILMAN, Mr. HYDE, Mr. COX of California, and Mr. TIAHRT):

H. Con. Res. 180. Concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should stop the practice of harvesting and transplanting organs for profit from prisoners that it executes; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. BILIRAKIS, Mrs. MALONEY of New York, Mr. PORTER, Mr. ENGEL, Mr. MENENDEZ, Mr. SHERMAN, Mr. RUSH, and Mr. PAPPAS):

H. Con. Res. 181. Concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enslaved people in the occupied area of Cyprus; to the Committee on International Relations.

By Mr. FAZIO of California:

H. Res. 286. A resolution expressing the condolences of the House on the death of the Honorable Walter H. Capps, a Representative from the State of California; considered and agreed to.

By Mr. GALLEGLY (for himself and Mr. ACKERMAN):

H. Res. 289. A resolution expressing the sense of the Congress that a renewed effort be made to end the violent guerrilla war in Colombia, which poses a serious threat to democracy in regions of Colombia as evidenced by the results of the recent October 26, 1997, elections; to the Committee on International Relations.

¶122.36 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. FORD and Mr. TOWNS.
H.R. 367: Mr. BILBRAY and Mr. POMBO.
H.R. 372: Mr. TOWNS, Mr. PETERSON of Minnesota, Mr. FILNER, Mr. DEFazio, and Mr. MARTINEZ.
H.R. 453: Mr. FOX of Pennsylvania, Mr. DICKS, Ms. ESHOO, Mr. SABO, and Mr. FRELINGHUYSEN.
H.R. 475: Mrs. NORTHUP.
H.R. 693: Mr. GOSS and Mr. GOODE.
H.R. 696: Mrs. LOWEY.
H.R. 768: Mr. TIAHRT.
H.R. 815: Mr. ROEMER and Mr. HALL of Texas.
H.R. 820: Ms. DELAURO.
H.R. 875: Mr. BILIRAKIS.
H.R. 979: Mr. BORSKI and Mr. SPENCE.
H.R. 991: Mr. PALLONE.
H.R. 1023: Mr. NUSSLE and Mr. KENNEDY of Rhode Island.
H.R. 1146: Mr. ADERHOLT.
H.R. 1147: Mr. GOODE.
H.R. 1200: Ms. RIVERS.
H.R. 1232: Mr. STOKES, Mr. ENGLISH of Pennsylvania, Ms. NORTON, Mr. SOUDER, and Ms. KILPATRICK.
H.R. 1289: Mrs. NORTHUP, Mr. FILNER, Ms. DUNN of Washington, Ms. HARMAN, Mr. SCOTT, Mr. LATOURETTE, and Mr. STRICKLAND.
H.R. 1329: Mr. KILDEE and Mr. MCGOVERN.
H.R. 1376: Mr. KENNEDY of Rhode Island.
H.R. 1390: Mr. BENTSEN.
H.R. 1404: Mr. WATT of North Carolina, Ms. STABENOW, Mr. GEJDENSON, and Ms. HOOLEY of Oregon.
H.R. 1415: Mr. HINOJOSA, Mr. BLAGOJEVICH, Mr. CANNON, and Mr. PETRI.
H.R. 1481: Mr. GILLMOR.
H.R. 1521: Mr. BILBRAY, Mr. BONO, and Ms. FURSE.

H.R. 1524: Mrs. KELLY and Mr. PAXON.
H.R. 1531: Mr. SCHUMER.
H.R. 1541: Mr. STICKLAND.
H.R. 1608: Mr. PALLONE, Mr. PITTS, Mr. NORWOOD, Mr. STUPAK, and Mr. MCGOVERN.
H.R. 1628: Mr. SCOTT.
H.R. 1727: Ms. DELAULO.
H.R. 1753: Ms. WATERS.
H.R. 1754: Mr. DELAHUNT.
H.R. 1813: Mr. EVANS, Mr. CLYBURN, Mr. POSHARD, Mr. ABERCROMBIE, and Mr. ALLEN.
H.R. 1836: Mr. ALLEN.
H.R. 1883: Ms. MILLENDER-MCDONALD.
H.R. 2072: Mr. LARGENT.
H.R. 2095: Mr. CHRISTENSEN.
H.R. 2103: Mr. MORAN of Kansas.
H.R. 2121: Mr. SHAYS.
H.R. 2130: Mr. SANDLIN, Mr. MARTINEZ, Mrs. THURMAN, and Mr. JACKSON.
H.R. 2174: Mr. BURR of North Carolina, Mr. SHERMAN, Mr. ABERCROMBIE, Mr. SANDLIN, and Mr. DEFAZIO.
H.R. 2183: Mr. TRAFICANT.
H.R. 2185: Mr. VENTO.
H.R. 2224: Ms. SLAUGHTER.
H.R. 2257: Mr. VENTO.
H.R. 2263: Mr. DIAZ-BALART, Mr. COOKSEY, and Mr. DINGELL.
H.R. 2292: Mr. FORBES.
H.R. 2321: Mr. NEY and Mr. PICKETT.
H.R. 2349: Ms. WATERS.
H.R. 2380: Mr. FRELINGHUYSEN.
H.R. 2382: Mr. MCGOVERN and Ms. CHRISTIAN-GREEN.
H.R. 2428: Mr. BONIOR, Mr. FALEOMAVAEGA, Mr. EVANS, Ms. WOOLSEY, Mr. MANTON, Mr. POSHARD, Mr. MINGE, and Mr. TORRES.
H.R. 2456: Mr. RAHALL and Ms. STABENOW.
H.R. 2474: Mr. METCALF, Ms. GRANGER, and Mr. BOSWELL.
H.R. 2489: Ms. FURSE, Mr. WHITFIELD, Mr. BAESLER, Ms. HOOLEY of Oregon, and Mrs. CHENOWETH.
H.R. 2524: Mr. TORRES, Mrs. THURMAN, and Ms. DANNER.
H.R. 2560: Mr. SALMON, Mr. TORRES, Mr. JEFFERSON, Mrs. LINDA SMITH of Washington, Mr. DAVIS of Virginia, Mrs. THURMAN, Mr. WATT of North Carolina, Mr. FALEOMAVAEGA, Mr. ORTIZ, Mr. DAVIS of Illinois, Ms. JACKSON-LEE, Mr. CLEMENT, Mr. FORD, and Mr. RANGEL.
H.R. 2609: Mr. HASTINGS of Washington, Mr. NETHERCUTT, and Mr. HOSTETTLER.
H.R. 2611: Mr. ISTOOK.
H.R. 2625: Mr. HUTCHINSON, Mr. UPTON, Mr. EHRLICH, Mr. HASTINGS of Washington, and Mr. BONILLA.
H.R. 2626: Mr. COSTELLO.
H.R. 2668: Mr. NEUMANN, Mr. COOKSEY, Mr. CUNNINGHAM, and Mr. BARTON of Texas.
H.R. 2670: Mr. PAPPAS.
H.R. 2671: Mr. NETHERCUTT.
H.R. 2693: Mrs. MEEK of Florida, Mr. ROTHMAN, Ms. MILLENDER-MCDONALD, Mr. MARTINEZ, and Mr. LAMPSON.
H.R. 2695: Mr. FILNER, Ms. KILPATRICK, and Mr. FROST.
H.R. 2709: Ms. HARMAN, Mr. SHAYS, Mr. LEWIS of California, Mr. BURR of North Carolina, Mr. LAZIO of New York, Mr. SMITH of New Jersey, Mr. HOYER, Mr. PETERSON of Minnesota, Mr. YOUNG of Alaska, Mr. KUCINICH, Mr. MEEHAN, Mr. NADLER, Mr. CARDIN, Mr. THOMAS, Mr. BLAGOJEVICH, Mr. BENTSEN, Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. FORD, Mr. HOSTETTLER, Mr. KASICH, Mr. LATOURETTE, Mr. FARR of California, Mr. PORTER, Mr. COOKSEY, Mr. COSTELLO, Mr. WYNN, Ms. WOOLSEY, Mr. DOOLITTLE, Mr. SANFORD, Mr. SHADEGG, Mrs. MORELLA, Mr. RODRIGUEZ, Mr. STUPAK, and Mr. BERMAN.
H.R. 2717: Mr. FARTTAH and Mr. DAVIS of Virginia.
H.R. 2739: Mr. DELAY.
H.R. 2741: Mr. PACKARD, Mr. POMBO, and Ms. SANCHEZ.
H. Con. Res. 107: Mr. DAVIS of Virginia.
H. Con. Res. 127: Mr. CRAMER, Mr. LUTHER, and Mr. BACHUS.

H. Con. Res. 152: Mr. LIPINSKI, Mr. LAZIO of New York, and Mr. PAPPAS.
H. Con. Res. 156: Mr. BROWN of Ohio, Ms. WOOLSEY, and Mr. FALEOMAVAEGA.
H. Con. Res. 172: Mr. BEREUTER and Mr. FALEOMAVAEGA.
H. Res. 211: Mr. HOBSON, Mr. KIM, Mr. MORAN of Kansas, Mr. PETRI, Mr. STUPAK, Mr. TAYLOR of North Carolina, and Mr. WICKER.
H. Res. 231: Mr. FALEOMAVAEGA.
H. Res. 247: Mr. LUTHER.
H. Res. 267: Mr. SNOWBARGER, Mr. BRADY, Mr. COBLE, Ms. PRYCE of Ohio, Mr. HASTINGS of Florida, Mr. DIAZ-BALART, Mr. GILLMOR, Mr. CRAPO, Mr. DREIER, Mr. OXLEY, Mr. WICKER, Mr. HASTINGS of Washington, Mr. SHAYS, Mr. PACKARD, Mr. GRAHAM, Mr. ADERHOLT, Mr. ENGLISH of Pennsylvania, and Mrs. MCCARTHY of New York.

¶122.37 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2527: Ms. DELAULO.

THURSDAY, OCTOBER 30, 1997 (123)

¶123.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PEASE, who laid before the House the following communication:

WASHINGTON, DC,

October 30, 1997.

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

NEWT GINGRICH,

Speaker of the House of Representatives.

¶123.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PEASE, announced he had examined and approved the Journal of the proceedings of Wednesday, October 29, 1997.

Pursuant to clause 1, rule I, the Journal was approved.

¶123.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

5685. A letter from the Secretary of the Navy, transmitting notification that the Navy plans to finalize requirements to transfer the aircraft carrier ex-HORNET (CV 12) to a nonprofit group in Alameda, California, pursuant to 10 U.S.C. 7306; to the Committee on National Security.

5686. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the semiannual report on the activities of the Affordable Housing Disposition Program covering the period from January 1, 1997 through June 30, 1997, pursuant to Public Law 102—233, section 616 (105 Stat. 1787); to the Committee on Banking and Financial Services.

5687. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program: Insurance Coverage and Rates, Criteria for Land Management, Use, Identification, and Mapping of Flood Control Restoration Zones (RIN: 3067-AC17) received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5688. A letter from the Director, Federal Emergency Management Agency, transmit-

ting the President's Report to Congress on the Modernization of the Authorities of the Defense Production Act, pursuant to Public Law 104—64, section 4; to the Committee on Banking and Financial Services.

5689. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Acquisition Regulation, Classification, Security and Counterintelligence [48 CFR Parts 952 and 970] received October 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5690. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Regulations for the Licensing of Hydroelectric Projects [Docket No. RM95-16-000; Order No. 596] received October 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5691. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Perimeter Intrusion Alarm Systems [Regulatory Guide 5.44] received October 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5692. A letter from the Secretary of Health and Human Services, transmitting a report on the accomplishments in the field of family planning during fiscal years 1994 and 1995, pursuant to the Family Planning Services and Population Research Act of 1975, as amended; to the Committee on Commerce.

5693. A letter from the Chairman, Securities and Exchange Commission, transmitting reports prepared in response to various provisions of the National Securities Markets Improvement Act of 1996; to the Committee on Commerce.

5694. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Russia, Ukraine, and Norway (Transmittal No. DTC-86-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5695. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC-89-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5696. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Russia (Transmittal No. DTC-68-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5697. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of ANC 6C Covering the Period October 1, 1993 through December 31, 1996," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform and Oversight.

5698. A letter from the Administrator, Environmental Protection Agency, transmitting the annual report summarizing actions taken under Program Fraud Civil Remedies Act for the year ending September 30, 1997, pursuant to 31 U.S.C. 3801—3812; to the Committee on Government Reform and Oversight.

5699. A letter from the Regulatory Policy Official, National Archives and RECORDS Administration, transmitting the Administration's final rule—Transfer of Electronic Records to the National Archives (RIN: 3095-AA70) received October 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5700. A letter from the Acting Director, Office of Personnel Management, transmitting

a draft of proposed legislation to amend chapter 87 of title 5, United States Code, to enforce domestic relations court orders concerning payment of insurance proceeds, to make Additional Optional life insurance portable upon separation from service and allow retired employees to continue such coverage with no reduction after age 65, to improve Family Optional life insurance benefits, and to improve program administration; to the Committee on Government Reform and Oversight.

5701. A letter from the Executive Director, United States Arctic Research Commission, transmitting a letter in response to the reporting requirements of the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5702. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Indiana Regulatory Program [SPATS No. IN-134-FOR; State Program Amendment No. 95-12] received October 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5703. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to consent to a compact between the United States and any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico to facilitate the exchange of criminal-history records for noncriminal justice purposes; to the Committee on the Judiciary.

5704. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting the Department's final rule—Indian Highway Safety Program Competitive Grant Selection Criteria (RIN: 1076-AD82) received October 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5705. A letter from the Secretary of Energy, transmitting the Annual Report of the Metals Initiative for FY 1996, pursuant to Public Law 100—680, section 8; to the Committee on Science.

5706. A letter from the Acting Under Secretary (Comptroller), Department of Defense, transmitting notification of transfers of authorizations within the Department of Defense, pursuant to Public Law 104—201, section 1001(d) (110 Stat. 2631); jointly to the Committees on National Security and Appropriations.

5707. A letter from the Director, Office of Government Ethics, transmitting the final strategic plan, pursuant to Public Law 103—62; jointly to the Committees on Government Reform and Oversight and the Judiciary.

¶123.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed a bill and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1150. An Act to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes.

S. Con. Res. 37. Concurrent Resolution expressing the sense of the Congress that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide and that its international character and activities should be recognized.

¶123.5 H. RES. 284—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PEASE, pursuant to clause 5, rule I, announced the unfinished business to be the vote on agreeing to the resolution (H. Res. 284) providing for consideration of the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the { Yeas 277
affirmative } Nays 139

¶123.6

[Roll No. 545]

YEAS—277

Aderholt	Dunn	Largent
Archer	Ehlers	Latham
Armey	Ehrlich	LaTourette
Bachus	Emerson	Lazio
Baessler	Engel	Leach
Baker	English	Lewis (CA)
Ballenger	Ensign	Lewis (KY)
Barcia	Everett	Linder
Barr	Ewing	Lipinski
Barrett (NE)	Fazio	Livingston
Bartlett	Foley	LoBiondo
Barton	Forbes	Lucas
Bass	Fowler	Manton
Bateman	Fox	Manzullo
Bereuter	Franks (NJ)	Martinez
Berman	Frelinghuysen	Mascara
Berry	Frost	Matsui
Bilbray	Galleghy	McCarthy (NY)
Bilirakis	Ganske	McCollum
Bishop	Gekas	McCrery
Bliley	Gibbons	McHale
Blunt	Gilchrest	McHugh
Boehlert	Gillmor	McInnis
Boehner	Gilman	McIntosh
Bonilla	Goode	McIntyre
Bono	Goodlatte	McKeon
Borski	Goodling	Mica
Boswell	Goss	Miller (FL)
Boucher	Graham	Minge
Boyd	Granger	Mollohan
Brady	Greenwood	Moran (KS)
Brown (FL)	Gutknecht	Morella
Bryant	Hall (TX)	Murtha
Bunning	Hansen	Myrick
Burr	Hastert	Nethercutt
Burton	Hastings (WA)	Neumann
Buyer	Hayworth	Ney
Callahan	Hefley	Northup
Calvert	Herger	Norwood
Camp	Hill	Nussle
Campbell	Hilleary	Ortiz
Canady	Hinojosa	Oxley
Cannon	Hobson	Packard
Castle	Hoekstra	Pappas
Chabot	Holden	Parker
Chambliss	Horn	Pastor
Chenoweth	Hostettler	Paul
Christensen	Houghton	Paxon
Clement	Hulshof	Pease
Coble	Hunter	Peterson (MN)
Coburn	Hutchinson	Peterson (PA)
Collins	Hyde	Petri
Combest	Inglis	Pickering
Condit	Istook	Pickett
Cook	Jenkins	Pitts
Cooksey	John	Pombo
Cox	Johnson (CT)	Pomeroy
Cramer	Johnson (WI)	Porter
Crane	Johnson, Sam	Portman
Crapo	Jones	Pryce (OH)
Cunningham	Kaptur	Quinn
Danner	Kasich	Radanovich
Davis (VA)	Kelly	Ramstad
Deal	Kim	Redmond
DeLay	King (NY)	Regula
Diaz-Balart	Kingston	Reyes
Dickey	Klug	Riggs
Dooley	Knollenberg	Riley
Doolittle	Kolbe	Rivers
Dreier	LaFalce	Rogan
Duncan	LaHood	Rogers

Rohrabacher	Skelton	Thornberry
Ros-Lehtinen	Smith (MI)	Thune
Roukema	Smith (NJ)	Thurman
Royce	Smith (OR)	Tiahrt
Ryun	Smith (TX)	Trafiacant
Salmon	Smith, Linda	Turner
Sanchez	Snowbarger	Upton
Sandlin	Solomon	Visclosky
Sanford	Souder	Walsh
Saxton	Spence	Wamp
Scarborough	Spratt	Watkins
Schaefer, Dan	Stabenow	Watts (OK)
Schaffer, Bob	Stearns	Weldon (PA)
Sensenbrenner	Stenholm	Weller
Sessions	Stump	White
Shadegg	Stupak	Whitfield
Shaw	Sununu	Wicker
Shays	Talent	Wolf
Shimkus	Tanner	Wynn
Shuster	Tauzin	Young (AK)
Sisisky	Taylor (NC)	
Skeen	Thomas	

NAYS—139

Abercrombie	Green	Moran (VA)
Ackerman	Gutierrez	Nadler
Allen	Hamilton	Neal
Andrews	Harman	Oberstar
Baldacci	Hastings (FL)	Obey
Barrett (WI)	Hefner	Olver
Becerra	Hilliard	Owens
Bentsen	Hinchee	Pallone
Blagojevich	Hooley	Pascarell
Blumenauer	Hoyer	Payne
Bonior	Jackson (IL)	Poshard
Brown (CA)	Jackson-Lee	Price (NC)
Brown (OH)	(TX)	Rahall
Cardin	Jefferson	Rangel
Carson	Johnson, E. B.	Rodriguez
Clay	Kanjorski	Roemer
Clayton	Kennedy (MA)	Rothman
Lucas	Kennedy (RI)	Roybal-Allard
Clyburn	Kennedy	Rush
Conyers	Kildee	Sabo
Costello	Kilpatrick	Sanders
Coyne	Kind (WI)	Sawyer
Cummings	Kleczka	Schumer
Davis (FL)	Klink	Scott
Davis (IL)	Kucinich	Serrano
DeFazio	Lampson	Sherman
DeGette	Lantos	Skaggs
Delahunt	Levin	Slaughter
DeLauro	Lewis (GA)	Snyder
Dellums	Lofgren	Stark
Deutsch	Dicks	Stokes
Dicks	Lowey	Strickland
Dingell	Luther	Tauscher
Doggett	Maloney (CT)	Taylor (MS)
Doyle	Maloney (NY)	Thompson
Eshoo	Markey	Tierney
Etheridge	McCarthy (MO)	Torres
Evans	McGovern	Towns
Farr	McKinney	Velazquez
Fattah	McNulty	Vento
Filner	Meehan	Waters
Flake	Meek	Watt (NC)
Ford	Menendez	Waxman
Frank (MA)	Millender-	Wexler
Furse	McDonald	Weygand
Gejdenson	Miller (CA)	Woolsey
Gephardt	Mink	Yates
Gordon	Moakley	

NOT VOTING—16

Cubin	Hall (OH)	Smith, Adam
Dixon	McDade	Weldon (FL)
Edwards	McDermott	Wise
Fawell	Metcalf	Young (FL)
Foglietta	Pelosi	
Gonzalez	Schiff	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶123.7 LIVESTOCK GRAZING ON FEDERAL LANDS

The SPEAKER pro tempore, Mr. PEASE, pursuant to House Resolution 284 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can pro-

vide for uniform management of live-stock grazing on Federal lands.

The SPEAKER pro tempore, Mr. PEASE, by unanimous consent, designated Mr. NUSSLE as Chairman of the Committee of the Whole; and after some time spent therein,

¶123.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. KLUG to the amendment submitted by Mr. VENTO:

Amendment submitted by Mr. KLUG:

Insert at the end of the amendment the following new amendments:

Strike line 25 on page 35 and all that follows through line 15 on page 36, and insert the following:

(a) BASIC FEE.—The basic fee for each animal unit month in a grazing fee year shall be equal to the rate charged for grazing on State lands in the State in which the Federal lands covered by the grazing permit or lease are located.

Page 37, beginning on line 22, strike subsection (d).

Amendment submitted by Mr. VENTO:

In section 107(a), strike paragraph (2) (page 36, lines 16 through 20) and insert the following new paragraph:

(2) DETERMINATION OF FEE.—

(A) SMALL PRODUCERS.—The holder of a grazing permit or lease, including any related person, who owns or controls livestock comprising less than 2,000 animal unit months on Federal lands pursuant to one or more grazing permits or leases shall pay the fee as calculated under paragraph (1).

(B) LARGE PRODUCERS.—The holder of a grazing permit or lease, including any related person, who owns or controls livestock comprising 2,000 or more animal unit months on Federal lands pursuant to one or more grazing permits or leases shall pay the fee as calculated under paragraph (1) for the first 2,000 animal units months. For animal unit months in excess of 2,000, the fee shall be the higher of the following:

(i) The average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in the State in which the lands covered by the grazing permit or lease are located.

(ii) The Federal grazing fee as calculated under paragraph (1), plus 25 percent of such fee.

It was decided in the { Yeas 205
negative } Nays 219

¶123.9 [Roll No. 546] AYES—205

Abercrombie	Chabot	Dingell
Ackerman	Clay	Dixon
Allen	Clayton	Doggett
Andrews	Clement	Doyle
Baldacci	Clyburn	Engel
Barrett (WI)	Coble	Eshoo
Bass	Conyers	Evans
Becerra	Cook	Farr
Berman	Costello	Fattah
Bilirakis	Cox	Fawell
Blagojevich	Coyne	Filner
Blumenauer	Cummings	Flake
Bonior	Davis (FL)	Foglietta
Borski	Davis (IL)	Forbes
Boucher	Davis (VA)	Ford
Brown (CA)	DeFazio	Fox
Brown (FL)	DeGette	Frank (MA)
Brown (OH)	Delahunt	Franks (NJ)
Campbell	DeLauro	Frelinghuysen
Cardin	Dellums	Furse
Carson	Dickey	Gedensson
Castle	Dicks	Gephardt

Gilman	Mascara	Roukema
Goss	Matsui	Roybal-Allard
Green	McCarthy (MO)	Rush
Greenwood	McCarthy (NY)	Sabo
Gutierrez	McDade	Sanchez
Hamilton	McDermott	Sanders
Harman	McGovern	Sanford
Hastings (FL)	McHale	Sawyer
Hilliard	McKinney	Scarborough
Hinchee	McNulty	Schumer
Hoekstra	Meehan	Scott
Hooley	Menendez	Sensenbrenner
Horn	Millender	Serrano
Hoyer	McDonald	Shays
Inglis	Miller (CA)	Sherman
Jackson (IL)	Miller (FL)	Skelton
Jefferson	Minge	Slaughter
Johnson (CT)	Mink	Smith (MI)
Kanjorski	Moran (VA)	Smith (NJ)
Kaptur	Morella	Smith, Adam
Kasich	Nadler	Snyder
Kennedy (MA)	Neal	Spratt
Kennedy (RI)	Neumann	Stabenow
Kennelly	Obey	Stark
Kildee	Olver	Stokes
Kilpatrick	Owens	Strickland
Kind (WI)	Pallone	Stupak
Kingston	Pappas	Tauscher
Klecza	Pascrell	Thompson
Klink	Pastor	Tierney
Klug	Payne	Torres
Kucinich	Pease	Towns
LaFalce	Pelosi	Upton
Lampson	Petri	Velazquez
Lantos	Porter	Vento
Leach	Portman	Visclosky
Levin	Poshard	Waters
Lewis (GA)	Price (NC)	Watt (NC)
Lipinski	Rahall	Waxman
LoBiondo	Ramstad	Wexler
Lofgren	Rangel	Weygand
Lowe	Rivers	Whitfield
Luther	Rodriguez	Wise
Maloney (CT)	Roemer	Woolsey
Maloney (NY)	Rohrabacher	Wynn
Manton	Ros-Lehtinen	Yates
Markey	Rothman	

NOES—219

Aderholt	DeLay	Hutchinson
Archer	Diaz-Balart	Hyde
Armey	Dooley	Istook
Bachus	Doolittle	Jenkins
Baessler	Dreier	John
Baker	Duncan	Johnson (WI)
Ballenger	Dunn	Johnson, E. B.
Barcia	Edwards	Johnson, Sam
Barr	Ehlers	Jones
Barrett (NE)	Ehrlich	Kelly
Bartlett	Emerson	Kim
Barton	English	King (NY)
Bateman	Ensign	Knollenberg
Bentsen	Etheridge	Kolbe
Bereuter	Everett	LaHood
Berry	Ewing	Largent
Bilbray	Fazio	Latham
Bishop	Foley	LaTourette
Bliley	Fowler	Lazio
Blunt	Frost	Lewis (CA)
Boehlert	Galleghy	Lewis (KY)
Boehner	Ganske	Linder
Bonilla	Gekas	Livingston
Bono	Gibbons	Lucas
Boswell	Gilchrest	Manzullo
Boyd	Gillmor	Martinez
Brady	Goode	McCollum
Bryant	Goodlatte	McCrery
Bunning	Goodling	McHugh
Burr	Gordon	McInnis
Burton	Graham	McIntosh
Buyer	Granger	McIntyre
Callahan	Gutknecht	McKeon
Calvert	Hall (OH)	Meek
Camp	Hall (TX)	Metcalf
Canady	Hansen	Mica
Cannon	Hastert	Mollohan
Chambliss	Hastings (WA)	Moran (KS)
Chenoweth	Hayworth	Murtha
Christensen	Hefley	Myrick
Coburn	Hefner	Nethercutt
Collins	Herger	Ney
Combest	Hill	Northup
Condit	Hilleary	Norwood
Cooksey	Hinojosa	Nussle
Cramer	Hobson	Oberstar
Crane	Holden	Ortiz
Crapo	Hostettler	Oxley
Cunningham	Houghton	Packard
Danner	Hulshof	Parker
Deal	Hunter	Paul

Paxon	Saxton	Talent
Peterson (MN)	Schaefer, Dan	Tanner
Peterson (PA)	Schaffer, Bob	Tauzin
Pickering	Sessions	Taylor (MS)
Pickett	Shadegg	Taylor (NC)
Pitts	Shaw	Thomas
Pombo	Shimkus	Thornberry
Pomeroy	Shuster	Thune
Pryce (OH)	Siskis	Thurman
Quinn	Skaggs	Tiahrt
Radanovich	Skeen	Traficant
Redmond	Smith (OR)	Turner
Regula	Smith (TX)	Walsh
Reyes	Smith, Linda	Wamp
Riggs	Snowbarger	Watkins
Riley	Solomon	Watts (OK)
Rogan	Souder	Weller
Rogers	Spence	White
Royce	Stearns	Wicker
Ryun	Stenholm	Wolf
Salmon	Stump	Young (AK)
Sandlin	Sununu	Young (FL)

NOT VOTING—8

Cubin	Jackson-Lee	Schiff
Deutsch	(TX)	Weldon (FL)
Gonzalez	Moakley	Weldon (PA)

So the amendment to the amendment was not agreed to.

¶123.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the foregoing amendment submitted by Mr. VENTO:

It was decided in the { Yeas 208
negative } Nays 212

¶123.11 [Roll No. 547] AYES—208

Abercrombie	Ford	Markey
Ackerman	Fox	Mascara
Allen	Frank (MA)	Matsui
Andrews	Franks (NJ)	McCarthy (MO)
Baldacci	Frelinghuysen	McCarthy (NY)
Barcia	Furse	McDade
Barrett (WI)	Gedensson	McDermott
Becerra	Gephardt	McGovern
Berman	Gillmor	McHale
Bilirakis	Gordon	McKinney
Blagojevich	Green	McNulty
Blumenauer	Greenwood	Meehan
Bonior	Gutierrez	Meek
Borski	Hamilton	Menendez
Boucher	Harman	Millender-
Brown (CA)	Hastings (FL)	McDonald
Brown (FL)	Hilliard	Miller (CA)
Brown (OH)	Hinchee	Miller (FL)
Campbell	Hoekstra	Mink
Cardin	Hooley	Moakley
Carson	Horn	Moran (VA)
Castle	Hoyer	Morella
Chabot	Inglis	Nadler
Clay	Jackson (IL)	Neal
Clayton	Jefferson	Neumann
Clement	Johnson (CT)	Oberstar
Clyburn	Johnson (WI)	Obey
Conyers	Kanjorski	Olver
Cook	Kaptur	Owens
Costello	Kelly	Pallone
Coyne	Kennedy (MA)	Pappas
Cummings	Kennedy (RI)	Pascrell
Davis (FL)	Kennelly	Pastor
Davis (IL)	Kildee	Paul
Davis (VA)	Kilpatrick	Payne
DeFazio	Kind (WI)	Pease
DeGette	Kingston	Pelosi
Delahunt	Klecza	Petri
DeLauro	Klink	Porter
Dellums	Klug	Portman
Dicks	Kucinich	Poshard
Dingell	LaFalce	Price (NC)
Dixon	Lampson	Rahall
Doggett	Lantos	Ramstad
Doyle	Lazio	Rangel
Duncan	Leach	Rivers
Engel	Levin	Rodriguez
Eshoo	Lewis (GA)	Roemer
Evans	Lipinski	Rohrabacher
Farr	LoBiondo	Rothman
Fattah	Lofgren	Roukema
Fawell	Lowe	Roybal-Allard
Filner	Luther	Rush
Flake	Maloney (CT)	Sabo
Foglietta	Maloney (NY)	Sanchez
Forbes	Manton	Sanders

Sanford Snyder Velazquez
Sawyer Spratt Vento
Scarborough Stabenow Visclosky
Schumer Stark Wamp
Sensenbrenner Stokes Waters
Serrano Strickland Watt (NC)
Shays Stupak Waxman
Sherman Tauscher Wexler
Skaggs Taylor (MS) Weygand
Skelton Thompson Wise
Slaughter Tierney Woolsey
Smith (MI) Torres Wynn
Smith (NJ) Towns Yates
Smith, Adam Upton

NOES—212

Aderholt Ganske Nussle
Archer Gekas Ortiz
Armey Gibbons Oxley
Bachus Gilchrest Packard
Baesler Gilman Parker
Baker Goode Paxon
Ballenger Goodlatte Peterson (MN)
Barr Goodling Peterson (PA)
Barrett (NE) Goss Pickering
Bartlett Graham Pickett
Barton Gutknecht Pitts
Bass Hall (OH) Pombo
Bateman Hall (TX) Pomeroy
Bentsen Hansen Pryce (OH)
Bereuter Hastert Quinn
Berry Hastings (WA) Radanovich
Billbray Hayworth Redmond
Bishop Hefley Regula
Bliley Hefner Reyes
Blunt Herger Riggs
Boehlert Hill Riley
Boehner Hilleary Rogan
Bonilla Hinojosa Rogers
Boswell Hobson Ros-Lehtinen
Boyd Holden Royce
Brady Hostettler Ryun
Bryant Houghton Salmon
Bunning Hulshof Sandlin
Burr Hunter Saxton
Burton Hutchinson Schaefer, Dan
Buyer Hyde Schaffer, Bob
Callahan Istook Sessions
Calvert Jenkins Shadegg
Camp John Shaw
Canady Johnson, E. B. Shimkus
Cannon Johnson, Sam Shuster
Chambliss Jones Sisisky
Chenoweth Kasich Skeen
Christensen Kim Smith (OR)
Coble King (NY) Smith (TX)
Coburn Knollenberg Smith, Linda
Collins Kolbe Snowbarger
Combest LaHood Solomon
Condit Largent Souder
Cooksey Latham Spence
Cox LaTourette Stearns
Cramer Lewis (CA) Stenholm
Crane Lewis (KY) Stump
Crapo Linder Sununu
Cunningham Livingston Talent
DeLay Lucas Tanner
Diaz-Balart Manzullo Tauzin
Dickey Martinez Taylor (NC)
Dooley McCollum Thomas
Doolittle McCreary Thornberry
Dreier McHugh Thune
Dunn McInnis Thurman
Edwards McIntosh Tiahrt
Ehlers McIntyre Traficant
Ehrlich McKeon Turner
Emerson Metcalf Walsh
English Mica Watkins
Ensign Minge Watts (OK)
Etheridge Mollohan Weller
Everett Moran (KS) White
Ewing Murtha Whitfield
Fazio Myrick Wicker
Foley Nethercutt Wolf
Fowler Ney Young (AK)
Frost Northup Young (FL)
Gallegly Norwood

NOT VOTING—12

Bono Gonzalez Scott
Cubin Granger Weldon (FL)
Danner Jackson-Lee Weldon (PA)
Deal (TX)
Deutsch Schiff

So the amendment was not agreed to.

After some further time,

123.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. VENTO:

Page 37, line 2, strike "seven" both places it appears and insert "five".

It was decided in the { Yeas 176
negative } Nays 244

123.13 [Roll No. 548]

AYES—176

Abercrombie Harman Oberstar
Ackerman Hilliard Obey
Allen Hinchey Olver
Andrews Hooley Owens
Baldacci Horn Pallone
Barrett (WI) Hoyer Pappas
Becerra Jackson (IL) Pascrell
Bereuter Jackson-Lee Payne
Berman (TX) Pease
Blagojevich Jefferson Pelosi
Blumenauer Johnson (CT) Price (NC)
Bonior Kanjorski Rahall
Borski Kaptur Ramstad
Boucher Kennedy (MA) Rangel
Browner (CA) Kennedy (RI) Regula
Brown (FL) Kennelly Rivers
Brown (OH) Kildee Roemer
Campbell Kilpatrick Rothman
Cardin Kind (WI) Roukema
Carson Kleczka Roybal-Allard
Chabot Klink Rush
Clay Kucinich Sabo
Clayton LaFalce Sanchez
Clement Lampson Sanders
Clyburn Lantos Sanford
Coyne Leach Sawyer
Cummings Levin Schumer
Davis (FL) Lewis (GA) Serrano
Davis (IL) Lipinski Shays
DeFazio LoBiondo Skaggs
DeGette Lofgren Skelton
Delahunt Lowey Slaughter
DeLauro Luther Smith, Adam
Dellums Maloney (CT) Snyder
Deutsch Maloney (NY) Spratt
Dicks Manton Stabenow
Dingell Markey Stark
Dixon Mascara Strickland
Doggett Matsui Stupak
Doyle McCarthy (MO) Tauscher
Duncan McCarthy (NY) Thurman
Engel McDermott Tierney
Eshoo McGovern Torres
Evans McHale Towns
Fattah McKinney Upton
Filner McNulty Velazquez
Foglietta Meehan Vento
Forbes Meek Visclosky
Ford Menendez Wamp
Fox Millender Waters
Frank (MA) McDonald Watt (NC)
Franks (NJ) Miller (CA) Waxman
Frelinghuysen Mink Wexler
Furse Moakley Weygand
Ganske Mollohan Wise
Gephardt Moran (VA) Woolsey
Gordon Morella Wynn
Green Nadler Yates
Gutierrez Neal
Hamilton Neumann

NOES—244

Aderholt Boehner Combest
Archer Bonilla Condit
Armey Bono Cook
Bachus Boswell Cooksey
Baesler Boyd Costello
Baker Brady Cox
Ballenger Bryant Cramer
Barcia Bunning Crane
Barr Burr Crapo
Barrett (NE) Burton Cunningham
Bartlett Buyer Davis (VA)
Barton Callahan Deal
Bass Calvert DeLay
Bateman Camp Diaz-Balart
Bentsen Canady Dickey
Berry Cannon Dooley
Bilbray Castle Doolittle
Bilirakis Chambliss Dreier
Bishop Chenoweth Dunn
Bliley Christensen Edwards
Blunt Coble Ehlers
Boehlert Collins Ehrlich

Emerson Kingston Rodriguez
English Klug Rogan
Ensign Knollenberg Rogers
Etheridge Kolbe Rohrabacher
Everett LaHood Ros-Lehtinen
Ewing Largent Royce
Farr Latham Ryun
Fawell LaTourette Salmon
Fazio Lazio Sandlin
Flake Lewis (CA) Saxton
Foley Lewis (KY) Scarborough
Frost Livingston Schaefer, Dan
Gallegly Lucas Schaffer, Bob
Gejdenson Manzullo Scott
Gekas Martinez Sensenbrenner
Gibbons McCollum Sessions
Gilchrest McCreary Shadegg
Gillmor McDade Shaw
Gilman McHugh Sherman
Goode McInnis Shimkus
Goodlatte McIntosh Shuster
Goodling McIntyre Sisisky
Goss McKeon Skeen
Graham Metcalf Smith (MI)
Greenwood Mica Smith (NJ)
Gutknecht Miller (FL) Smith (OR)
Hall (OH) Minge Smith (TX)
Hall (TX) Moran (KS) Smith, Linda
Hansen Murtha Snowbarger
Hastert Myrick Solomon
Hastings (FL) Nethercutt Souder
Hastings (WA) Ney Spence
Hayworth Northup Stearns
Hefley Norwood Stenholm
Hefner Nussle Stump
Herger Ortiz Sununu
Hill Oxley Talent
Hilleary Packard Tanner
Hinojosa Parker Tauzin
Hobson Pastor Taylor (MS)
Hoekstra Paul Taylor (NC)
Holden Paxon Thomas
Hostettler Peterson (MN) Thompson
Houghton Peterson (PA) Thornberry
Hulshof Petri Thune
Hunter Pickering Tiahrt
Hutchinson Pickett Traficant
Hyde Pitts Turner
Ingalls Pombo Walsh
Istook Pomeroy Watkins
Jenkins Porter Watts (OK)
John Portman Weller
Johnson (WI) Poshard White
Johnson, E. B. Pryce (OH) Whitfield
Johnson, Sam Quinn Wicker
Jones Radanovich Wolf
Kasich Redmond Young (AK)
Kelly Reyes Young (FL)
Kim Riggs
King (NY) Riley

NOT VOTING—12

Coburn Fowler Schiff
Conyers Gonzalez Stokes
Cubin Granger Weldon (FL)
Danner Linder Weldon (PA)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. NEY, assumed the Chair.

When Mr. NUSSLE, Chairman, pursuant to House Resolution 284, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Forage Improvement Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Rules of construction.

Sec. 3. Coordinated administration.

TITLE I—MANAGEMENT OF GRAZING ON FEDERAL LANDS

Sec. 101. Application of title.

- Sec. 102. Definitions.
- Sec. 103. Monitoring.
- Sec. 104. Subleasing.
- Sec. 105. Cooperative allotment management plans.
- Sec. 106. Fees and charges.

TITLE II—MISCELLANEOUS

- Sec. 201. Effective date.
- Sec. 202. Issuance of new regulations.

SEC. 2. RULES OF CONSTRUCTION.

(a) **LIMITATION ON APPLICATION.**—Nothing in this Act shall be construed to affect grazing in any unit of the National Park System, in any unit of the National Wildlife Refuge System, in any unit of the National Forest System managed as a National Grassland by the Secretary of Agriculture under the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), on any lands that are not Federal lands (as defined in section 102), or on any lands that are held by the United States in trust for the benefit of Indians.

(b) **MULTIPLE USE ACTIVITIES NOT AFFECTED.**—Nothing in this Act shall be construed to limit or preclude the use of Federal lands (as defined in section 102) for hunting, fishing, recreation, or other multiple use activities in accordance with applicable Federal and State laws and the principles of multiple use.

(c) **VALID EXISTING RIGHTS.**—Nothing in this Act shall be construed to affect valid existing rights, reservations, agreements, or authorizations under Federal or State law.

(d) **ACCESS TO NONFEDERALLY OWNED LANDS.**—Section 1323 of Public Law 96-487 (16 U.S.C. 3210) shall continue to apply with regard to access to nonfederally owned lands.

SEC. 3. COORDINATED ADMINISTRATION.

To the maximum extent practicable, the Secretary of Agriculture and the Secretary of the Interior shall provide for consistent and coordinated administration of livestock grazing and management of Federal lands (as defined in section 102) consistent with the laws governing such lands.

TITLE I—MANAGEMENT OF GRAZING ON FEDERAL LANDS

SEC. 101. APPLICATION OF TITLE.

(a) **FOREST SERVICE LANDS.**—This title applies to the management of grazing on National Forest System lands, by the Secretary of Agriculture under the following laws:

(1) The 11th undesignated paragraph under the heading "SURVEYING THE PUBLIC LANDS" under the heading "UNDER THE DEPARTMENT OF THE INTERIOR" in the Act of June 4, 1897 (commonly known as the Organic Administration Act of 1897) (30 Stat. 35, second full paragraph on that page; 16 U.S.C. 551).

(2) Sections 11, 12, and 19 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act of 1950) (64 Stat. 85, 88, chapter 97; 16 U.S.C. 580g, 580h, 580l).

(3) The Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.).

(4) The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

(5) The National Forest Management Act of 1976 (16 U.S.C. 472a et seq.).

(6) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(7) The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.).

(b) **BUREAU OF LAND MANAGEMENT LANDS.**—This title applies to the management of grazing on Federal lands administered by the Secretary of the Interior under the following laws:

(1) The Act of June 28, 1934 (commonly known as the Taylor Grazing Act) (48 Stat. 1269, chapter 865; 43 U.S.C. 315 et seq.).

(2) The Act of August 28, 1937 (commonly known as the Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act

of 1937) (50 Stat. 874, chapter 876; 43 U.S.C. 1181a et seq.).

(3) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(4) The Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.).

(5) The Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.).

(c) **CERTAIN OTHER UNITED STATES LANDS.**—This title also applies to the management of grazing by the Secretary concerned on behalf of the head of another department or agency of the Federal Government under a memorandum of understanding.

SEC. 102. DEFINITIONS.

In this title:

(1) **AUTHORIZED OFFICER.**—The term "authorized officer" means a person authorized by the Secretary concerned to administer this title, the laws specified in section 101, and regulations issued under this title and such laws.

(2) **FEDERAL LANDS.**—The term "Federal lands" means lands outside the State of Alaska that are owned by the United States and are—

(A) included in the National Forest System; or

(B) administered by the Secretary of the Interior under the laws specified in section 101(b).

(3) **GRAZING PERMIT OR LEASE.**—The term "grazing permit or lease" means a document authorizing use of Federal lands for the purpose of grazing livestock—

(A) within a grazing district under section 3 of the Act of June 28, 1934 (commonly known as the Taylor Grazing Act) (48 Stat. 1270, chapter 865; 43 U.S.C. 315b);

(B) outside grazing districts under section 15 of the Act of June 28, 1934 (commonly known as the Taylor Grazing Act) (48 Stat. 1275, chapter 865; 43 U.S.C. 315m); or

(C) on National Forest System lands under section 19 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act of 1950) (64 Stat. 88, chapter 97; 16 U.S.C. 580l).

(4) **LAND USE PLAN.**—The term "land use plan" means—

(A) a land and resource management plan prepared by the Forest Service pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for a unit of the National Forest System; or

(B) a resource management plan (or a management framework plan that is in effect pending completion of a resource management plan) developed in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) for Federal lands administered by the Bureau of Land Management.

(5) **NATIONAL FOREST SYSTEM.**—The term "National Forest System" has the meaning given such term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)), except that the term does not include any lands managed as a National Grassland under the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.).

(6) **SECRETARY CONCERNED.**—The term "Secretary concerned" means—

(A) the Secretary of Agriculture, with respect to the National Forest System; and

(B) the Secretary of the Interior, with respect to Federal lands administered by the Secretary of the Interior under the laws specified in section 101(b).

(7) **SIXTEEN CONTIGUOUS WESTERN STATES.**—The term "sixteen contiguous Western States" means the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.

SEC. 103. MONITORING.

(a) **MONITORING.**—The monitoring of resource conditions and trends on Federal lands within allotments shall be performed only by qualified persons from the following groups:

(1) Federal, State, and local government personnel.

(2) Grazing permittees and lessees.

(3) Professional consultants retained by the United States or a permittee or lessee.

(b) **MONITORING CRITERIA AND PROTOCOLS.**—Such monitoring shall be conducted according to regional or state criteria and protocols selected by the Secretary concerned. The monitoring protocols shall be site specific, scientifically valid, and subject to peer review. Monitoring data shall be periodically verified.

(c) **TYPES AND USE OF DATA COLLECTED.**—

(1) **USE OF PREVIOUSLY COLLECTED DATA AND INFORMATION.**—In addition to using data collected from monitoring conducted under the authority of this section, the Secretary concerned shall consider data and information collected before the date of the enactment of this Act, if available, so long as the historical data and information is objective and reliable.

(2) **APPLICATION OF CRITERIA AND PROTOCOLS.**—The Secretary concerned shall not accept monitoring data that does not meet the requirements of subsection (a) or (b).

(3) **USE OF DATA.**—The data and information collected from such monitoring shall be used to evaluate—

(A) the effects of ecological changes and management actions on resources over time;

(B) the effectiveness of actions in meeting management objectives contained in applicable land use plans; and

(C) the appropriateness of resource management objectives.

(d) **NOTICE.**—In conducting such monitoring, the Secretary concerned shall provide reasonable notice of the monitoring to affected permittees or lessees, including prior notice to the extent practicable of not less than 48 hours.

SEC. 104. SUBLEASING.

A person issued a grazing permit or lease may not enter into an agreement with another person to allow grazing on the Federal lands covered by the grazing permit or lease by livestock that are neither owned nor controlled by the person issued the grazing permit or lease.

SEC. 105. COOPERATIVE ALLOTMENT MANAGEMENT PLANS.

(a) **WRITTEN AGREEMENTS FOR OUTCOME-BASED STANDARDS.**—An allotment management plan or a grazing permit or lease under section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)) may include a written agreement with a qualified grazing permittee or lessee described in subsection (b) (or a group of qualified grazing permittees or lessees) that provides for outcome-based standards, rather than prescriptive terms and conditions, for managing grazing activities in a specified geographic area. At the request of a qualified grazing permittee or lessee, the Secretary concerned shall consider including such a written agreement in an allotment management plan or a grazing permit or lease.

(b) **QUALIFIED GRAZING PERMITTEE OR LESSEE DESCRIBED.**—A qualified grazing permittee or lessee referred to in subsection (a) is a person issued a grazing permit or lease who has demonstrated sound stewardship by meeting or exceeding the forage and rangeland goals contained in applicable land use plans and in that person's grazing permit or lease for the previous five-year period.

(c) **INCLUSION OF PERFORMANCE GOALS.**—A written agreement authorized under subsection (a) shall contain performance goals that—

(1) are expressed in objective, quantifiable, and measurable terms;

(2) establish performance indicators to be used in measuring or assessing the relevant outcomes;

(3) provide a basis for comparing management results with the established performance goals; and

(4) describe the means to be used to verify and validate measured values.

(d) APPLICATION OF OTHER LAWS.—All requirements of law applicable to an allotment management plan and a grazing permit or lease under section 402(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752(d)), including the prohibition against extending the term of an existing grazing permit or lease, shall apply to a written agreement entered into under subsection (a).

(e) FEDERAL ADVISORY COMMITTEE ACT.—Activities under this section shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 106. FEES AND CHARGES.

(a) GRAZING FEES.—

(1) CALCULATION.—The fee for each animal unit month in a grazing fee year for livestock grazing on Federal lands in the sixteen contiguous western States shall be equal to the 12-year average of the total gross value of production for beef cattle for the 12 years preceding the grazing fee year, multiplied by the 12-year average of the United States Treasury Securities six-month bill "new issue" rate, and divided by 12. The gross value of production for beef cattle shall be determined by the Economic Research Service of the Department of Agriculture in accordance with subsection (d)(1).

(2) FEE FOR FOREIGN-OWNED OR CONTROLLED GRAZING PERMITS OR LEASES.—In the case of a grazing permit or lease held or otherwise controlled in whole or in part by a foreign corporation or a foreign individual, the fee shall be equal to the higher of the following:

(A) The average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in the State in which the lands covered by the grazing permit or lease are located.

(B) The average grazing fee (weighted by animal unit months) charged for grazing on private lands in the State in which the lands covered by the grazing permit or lease are located.

(b) DEFINITION OF ANIMAL UNIT MONTH.—For the purposes of billing only, the term "animal unit month" means one month's use and occupancy of range by—

(1) one cow, bull, steer, heifer, horse, burro, or mule, seven sheep, or seven goats, each of which is six months of age or older on the date on which the animal begins grazing on Federal lands;

(2) any such animal regardless of age if the animal is weaned on the date on which the animal begins grazing on Federal lands; and

(3) any such animal that will become 12 months of age during the period of use authorized under a grazing permit.

(c) LIVESTOCK NOT COUNTED.—There shall not be counted as an animal unit month the use of Federal lands for grazing by an animal that is less than six months of age on the date on which the animal begins grazing on such lands and is the progeny of an animal on which a grazing fee is paid if the animal is removed from such lands before becoming 12 months of age.

(d) CRITERIA FOR ECONOMIC RESEARCH SERVICE.—

(1) GROSS VALUE OF PRODUCTION OF BEEF CATTLE.—The Economic Research Service of the Department of Agriculture shall continue to compile and report the gross value of production of beef cattle, on a dollars-per-

bred-cow basis for the United States, as is currently published by the Service in: "Economic Indicators of the Farm Sector: Cost of Production—Major Field Crops and Livestock and Dairy" (Cow-calf production cash costs and returns).

(2) AVAILABILITY.—For the purposes of determining the grazing fee for a given grazing fee year, the gross value of production (as described above) for the previous calendar year shall be made available to the Secretary concerned, and published in the Federal Register, on or before February 15 of each year.

(e) TREATMENT OF OTHER FEES AND CHARGES.—

(1) AMOUNT OF FLPMA FEES AND CHARGES.—The fees and charges under section 304(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734(a)) shall reflect processing costs and shall be adjusted periodically as such costs change, but in no case shall such fees and charges exceed the actual administrative and processing costs incurred by the Secretary concerned.

(2) NOTICE OF CHANGES.—Notice of a change in a service charge shall be published in the Federal Register.

TITLE II—MISCELLANEOUS

SEC. 201. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the first day of the first grazing season beginning after the date of the enactment of this Act.

SEC. 202. ISSUANCE OF NEW REGULATIONS.

The Secretary of Agriculture and the Secretary of the Interior shall—

(1) coordinate the promulgation of new regulations to carry out this Act; and

(2) publish such regulations simultaneously not later than 180 days after the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER *pro tempore*, Mr. NEY, announced that the yeas had it.

Mr. MILLER of California demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 242
affirmative { Nays 182

¶123.14

[Roll No. 549]

YEAS—242

Aderholt	Bryant	Deal
Archer	Bunning	DeLay
Armey	Burr	Diaz-Balart
Bachus	Burton	Dickey
Baesler	Buyer	Dooley
Baker	Callahan	Doolittle
Ballenger	Calvert	Dreier
Barcia	Camp	Duncan
Barr	Canady	Dunn
Barrett (NE)	Cannon	Edwards
Bartlett	Castle	Ehlers
Barton	Chabot	Ehrlich
Bass	Chambliss	Emerson
Bateman	Chenoweth	English
Beutner	Christensen	Ensign
Berry	Coble	Etheridge
Bilbray	Coburn	Everett
Bilirakis	Collins	Ewing
Bishop	Combest	Fawell
Bliley	Condit	Fazio
Blunt	Cook	Foley
Boehert	Cooksey	Fowler
Boehner	Cox	Frost
Bonilla	Cramer	Gallegly
Bono	Crane	Ganske
Boswell	Crapo	Gekas
Boyd	Cunningham	Gibbons
Brady	Davis (VA)	Gilchrest

Gillmor	Livingston	Rohrabacher
Gilman	Lucas	Ros-Lehtinen
Gingrich	Manton	Roukema
Goode	Manzullo	Royce
Goodlatte	Martinez	Ryun
Goodling	McCollum	Salmon
Goss	McCrery	Sandlin
Graham	McDade	Saxton
Gutknecht	McHugh	Schaefer, Dan
Hall (TX)	McInnis	Schaffer, Bob
Hansen	McIntosh	Sensenbrenner
Hastert	McIntyre	Sessions
Hastings (WA)	McKeon	Shadeegg
Hayworth	Metcalf	Shaw
Hefley	Mica	Shimkus
Hefner	Miller (FL)	Shuster
Herger	Minge	Sisisky
Hill	Moran (KS)	Smith (MI)
Hilleary	Murtha	Smith (OR)
Hilliard	Myrick	Smith (TX)
Hinojosa	Nethercutt	Smith, Linda
Hobson	Neumann	Snowbarger
Hoekstra	Ney	Solomon
Holden	Northup	Souder
Horn	Norwood	Spence
Hostettler	Nussle	Stearns
Houghton	Oberstar	Stenholm
Hulshof	Ortiz	Stump
Hunter	Oxley	Sununu
Hutchinson	Packard	Talent
Hyde	Parker	Tanner
Inglis	Pastor	Tauzin
Istook	Paxon	Taylor (NC)
Jenkins	Peterson (MN)	Thomas
John	Peterson (PA)	Thompson
Johnson (WI)	Petri	Thornberry
Johnson, Sam	Pickering	Thune
Jones	Pickett	Thurman
Kasich	Pitts	Tiahrt
Kelly	Pombo	Traficant
Kim	Pomeroy	Turner
King (NY)	Porter	Upton
Kingston	Portman	Walsh
Knollenberg	Pryce (OH)	Wamp
Kolbe	Quinn	Watts (OK)
LaHood	Radanovich	Weller
Largent	Regula	White
Latham	Reyes	Whitfield
Leach	Riggs	Wicker
Lewis (CA)	Riley	Wolf
Lewis (KY)	Rodriguez	Young (AK)
Linder	Rogan	Young (FL)
Lipinski	Rogers	

NAYS—182

Abercrombie	Fattah	LaTourette
Ackerman	Filner	Lazio
Allen	Flake	Levin
Andrews	Foglietta	Lewis (GA)
Baldacci	Forbes	LoBiondo
Barrett (WI)	Ford	Lofgren
Becerra	Fox	Lowe
Bentsen	Frank (MA)	Luther
Berman	Franks (NJ)	Maloney (CT)
Blagojevich	Frelinghuysen	Maloney (NY)
Blumenauer	Furse	Markey
Bonior	Gejdenson	Mascara
Borski	Gephardt	Matsui
Boucher	Gordon	McCarthy (MO)
Brown (CA)	Green	McCarthy (NY)
Brown (FL)	Greenwood	McDermott
Brown (OH)	Gutierrez	McGovern
Campbell	Hall (OH)	McHale
Cardin	Hamilton	McKinney
Carson	Harman	McNulty
Clay	Hastings (FL)	Meehan
Clayton	Hinchey	Meek
Clement	Hooley	Menendez
Clyburn	Hoyer	Millender
Conyers	Jackson (IL)	McDonald
Costello	Jackson-Lee	Miller (CA)
Coyne	(TX)	Mink
Cummings	Jefferson	Moakley
Davis (FL)	Johnson (CT)	Mollohan
Davis (IL)	Johnson, E. B.	Moran (VA)
DeFazio	Kanjorski	Morella
DeGette	Kaptur	Nadler
Delahunt	Kennedy (MA)	Neal
DeLauro	Kennedy (RI)	Obey
Dellums	Kennelly	Olver
Deutsch	Kildee	Owens
Dicks	Kilpatrick	Pallone
Dingell	Kind (WI)	Pappas
Dixon	Klecza	Pascarell
Doggett	Klink	Paul
Doyle	Klug	Payne
Engel	Kucinich	Pease
Eshoo	LaFalce	Pelosi
Evans	Lampson	Poshard
Farr	Lantos	Price (NC)

Rahall	Serrano	Tierney
Ramstad	Shays	Torres
Rangel	Sherman	Towns
Redmond	Skaggs	Velazquez
Rivers	Skeen	Vento
Roemer	Skelton	Visclosky
Rothman	Slaughter	Waters
Roybal-Allard	Smith (NJ)	Watt (NC)
Rush	Smith, Adam	Waxman
Sabo	Snyder	Wexler
Sanchez	Spratt	Weygand
Sanders	Stabenow	Wise
Sanford	Stark	Woolsey
Sawyer	Strickland	Wynn
Scarborough	Stupak	Yates
Schumer	Tauscher	
Scott	Taylor (MS)	

NOT VOTING—9

Cubin	Granger	Watkins
Danner	Schiff	Weldon (FL)
Gonzalez	Stokes	Weldon (PA)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶123.15 CLERK TO CORRECT
ENGROSSMENT

On motion of Mr. SMITH of Oregon, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, cross references, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

¶123.16 NUCLEAR WASTE POLICY

The SPEAKER pro tempore, Mr. NEY, pursuant to House Resolution 283 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982.

Mr. MCINNIS, Chairman of the Committee of the Whole, resumed the chair.

¶123.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. ENSIGN:

Page 15, insert after line 8 the following:

“(e) RISK ASSESSMENT AND COST BENEFIT.—The Secretary shall not take any action under this Act unless the Secretary has with respect to such action conducted a risk assessment which is scientifically objective, unbiased, and inclusive of all relevant data and relies, to the extent available and practicable, on scientific findings and which is grounded in cost-benefit principles.

It was decided in the { Yeas 135
negative Nays 290

¶123.18 [Roll No. 550]
AYES—135

Abercrombie	Bishop	Christensen
Ackerman	Blagojevich	Clay
Andrews	Blumenauer	Condit
Baesler	Bonilla	Conyers
Baldacci	Boswell	Cooksey
Barr	Brown (CA)	Coyne
Barrett (WI)	Bryant	Cunningham
Becerra	Cannon	Davis (IL)
Berman	Carson	DeFazio

DeGette	Kucinich	Paul
Delahunt	LaFalce	Payne
DeLauro	Lampson	Pease
Dellums	Lantos	Pelosi
Doggett	Lewis (GA)	Peterson (MN)
Doyle	Lofgren	Pombo
Engel	Lowey	Rahall
English	Lucas	Rangel
Ensign	Luther	Reyes
Eshoo	Maloney (CT)	Rivers
Evans	Maloney (NY)	Roemer
Filner	Markey	Rothman
Flake	Mascara	Roybal-Allard
Foglietta	Matsui	Sanchez
Ford	McCarthy (MO)	Schumer
Furse	McDermott	Serrano
Gibbons	McGovern	Shays
Goodling	McHale	Sherman
Gutierrez	McIntosh	Smith (NJ)
Hamilton	McKeon	Souder
Hansen	McKinney	Stark
Hill	McNulty	Stenholm
Hilleary	Meehan	Stokes
Hinchey	Millender	Talent
Hooley	McDonald	Thurman
Hulshof	Miller (CA)	Tierney
Istook	Mink	Torres
Jackson (IL)	Moakley	Towns
Jackson-Lee	Moran (KS)	Waters
(TX)	Nadler	Watts (OK)
Kasich	Neal	Waxman
Kelly	Neumann	Weygand
Kennedy (RI)	Oberstar	Woolsey
Kennelly	Obey	Wynn
Kingston	Oliver	Yates
Klecza	Owens	Young (AK)
Klug	Pascrell	

NOES—290

Aderholt	Deal	Hobson
Allen	DeLay	Hoekstra
Archer	Deutsch	Holden
Armey	Diaz-Balart	Horn
Bachus	Dickey	Hostettler
Baker	Dicks	Houghton
Ballenger	Dingell	Hoyer
Barcia	Dixon	Hunter
Barrett (NE)	Dooley	Hutchinson
Bartlett	Doolittle	Hyde
Barton	Dreier	Inglis
Bass	Duncan	Jefferson
Bateman	Dunn	Jenkins
Batesen	Edwards	John
Bereuter	Ehlers	Johnson (CT)
Berry	Ehrlich	Johnson (WI)
Bilbray	Emerson	Johnson, E. B.
Bilirakis	Etheridge	Johnson, Sam
Bliley	Everett	Jones
Blunt	Ewing	Kanjorski
Boehlert	Farr	Kaptur
Boehner	Fattah	Kennedy (MA)
Bonior	Fawell	Kildee
Bono	Fazio	Kilpatrick
Borski	Foley	Kim
Boucher	Forbes	Kind (WI)
Boyd	Fowler	King (NY)
Brady	Fox	Klink
Brown (FL)	Frank (MA)	Knollenberg
Brown (OH)	Franks (NJ)	Kolbe
Bunning	Frelinghuysen	LaHood
Burr	Frost	Largent
Burton	Gallely	Latham
Buyer	Ganske	LaTourette
Callahan	Gejdenson	Lazio
Calvert	Gekas	Leach
Camp	Gephardt	Levin
Campbell	Gilchrest	Lewis (CA)
Canady	Gillmor	Lewis (KY)
Cardin	Gilman	Linder
Castle	Goode	Lipinski
Chabot	Goodlatte	Livingston
Chambliss	Gordon	LoBiondo
Chenoweth	Goss	Manton
Clayton	Graham	Manzullo
Clement	Granger	Martinez
Clyburn	Green	McCarthy (NY)
Coble	Greenwood	McCollum
Coburn	Gutknecht	McCrery
Collins	Hall (OH)	McDade
Combest	Hall (TX)	McHugh
Cook	Harman	McInnis
Costello	Hastert	McIntyre
Cox	Hastings (FL)	Meek
Cramer	Hastings (WA)	Menendez
Crane	Hayworth	Metcalf
Crapo	Hefley	Mica
Cummings	Hefner	Miller (FL)
Danner	Herger	Minge
Davis (FL)	Hilliard	Mollohan
Davis (VA)	Hinojosa	Moran (VA)

Morella	Rogers	Solomon
Murtha	Rohrabacher	Spence
Myrick	Ros-Lehtinen	Spratt
Nethercutt	Roukema	Stabenow
Ney	Royce	Stearns
Northup	Rush	Strickland
Norwood	Ryun	Stump
Nussle	Sabo	Stupak
Ortiz	Salmon	Sununu
Oxley	Sanders	Tanner
Packard	Sandlin	Tauscher
Pallone	Sanford	Taylor (MS)
Pappas	Sawyer	Taylor (NC)
Parker	Saxton	Thomas
Pastor	Scarborough	Thompson
Paxon	Schaefer, Dan	Thornberry
Peterson (PA)	Schaffer, Bob	Thune
Petri	Scott	Tiahrt
Pickering	Sensenbrenner	Trafficant
Pickett	Sessions	Turner
Pitts	Shadegg	Upton
Pomeroy	Shaw	Velazquez
Porter	Shimkus	Vento
Portman	Shuster	Visclosky
Poshard	Sisisky	Walsh
Price (NC)	Skaggs	Wamp
Pryce (OH)	Skeen	Watt (NC)
Quinn	Skelton	Weller
Radanovich	Slaughter	Wexler
Ramstad	Smith (MI)	White
Redmond	Smith (OR)	Whitfield
Regula	Smith (TX)	Wicker
Riggs	Smith, Adam	Wise
Riley	Smith, Linda	Wolf
Rodriguez	Snowbarger	Young (FL)
Rogan	Snyder	

NOT VOTING—7

Cubin	Tauzin	Weldon (PA)
Gonzalez	Watkins	
Schiff	Weldon (FL)	

So the amendment was not agreed to.

¶123.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GIBBONS:

Page 19, insert after line 16 the following:

“(e) EMERGENCY RESPONSE TEAM.—The Secretary may not plan for the transportation of spent nuclear fuel or high-level radioactive waste through any State unless the Governor of such State can certify that an adequate emergency response team exists in such State to appropriate manage any nuclear accident that may occur in such transportation.

It was decided in the { Yeas 112
negative Nays 312

¶123.20 [Roll No. 551]
AYES—112

Abercrombie	Furse	McKeon
Ackerman	Gephardt	McKinney
Baesler	Gibbons	McNulty
Barr	Gilchrest	Meehan
Becerra	Hansen	Millender-
Blagojevich	Herger	McDonald
Blumenauer	Hill	Miller (CA)
Brown (FL)	Hinchey	Mink
Bryant	Hooley	Moakley
Cannon	Hostettler	Moran (KS)
Carson	Hutchinson	Nadler
Clay	Jackson (IL)	Ney
Collins	Kasich	Obey
Cooksey	Kelly	Owens
Cummings	Kennedy (MA)	Pallone
Davis (IL)	Kingston	Pappas
Deal	Klecza	Pascrell
DeFazio	Kucinich	Paul
Delahunt	LaFalce	Payne
Dellums	Lampson	Pease
Ehlers	Lantos	Pelosi
English	Lewis (GA)	Pombo
Ensign	Linder	Pryce (OH)
Eshoo	LoBiondo	Quinn
Evans	Lowey	Rahall
Farr	Lucas	Rangel
Filner	Maloney (NY)	Reyes
Flake	Markey	Roemer
Forbes	McDermott	Rothman
Ford	McGovern	Roybal-Allard
Franks (NJ)	McInnis	Saxton

Schumer
Shays
Slaughter
Smith (NJ)
Souder
Stark
Stearns

Stokes
Talent
Tauscher
Thune
Tierney
Torres
Watkins

Watts (OK)
Waxman
Weygand
Wolf
Woolsey
Young (AK)

Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Stupak
Sununu
Tanner
Taylor (MS)

Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh

Wamp
Waters
Watt (NC)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wynn
Yates
Young (FL)

Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyle
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foglietta
Foley
Fowler
Fox
Frank (MA)
Frelinghuysen
Ganske
Gejdenson
Gekas
Gillmor
Ginsman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hillery
Hilliard
Hinojosa
Hobson
Holden
Horn
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jackson-Lee
Coble
Coburn
Cooksey
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dixon
Doggett
Doyle
Engel
English
Ensign
Eshoo
Evans
Filner
Flake
Forbes
Ford
Furse
Gephardt
Gibbons
Gilchrist

Hefley
Hefner
Herger
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Maloney (CT)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntyre
Menendez
Miller (FL)
Minge
Molloy
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Obey
Oliver
Ortiz
Packard
Parker
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)

Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Siskisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tanner
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Velazquez
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Weller
Wexler
White
Whitfield
Wicker
Wynn
Yates
Young (FL)

NOES—312

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Costello
Cox
Coyle
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)
Davis (VA)
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel

Etheridge
Everett
Ewing
Fattah
Fawell
Fazio
Foglietta
Foley
Fowler
Fox
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gillmor
Ginsman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hillery
Hilliard
Hinojosa
Hobson
Holden
Horn
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jackson-Lee
(TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
Lofgren
Luther
Maloney (CT)
Manton

Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McIntyre
Meek
Menendez
Metcalfe
Mica
Miller (FL)
Minge
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Oliver
Ortiz
Oxley
Packard
Parker
Pastor
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith, Adam

NOT VOTING—8

Cubin
Gonzalez
Jefferson

Schiff
Smith (OR)
Tauzin

Weldon (FL)
Weldon (PA)

So the amendment was not agreed to.

123.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. ENSIGN:

Page 19, insert after line 16 the following:

“(c) EMERGENCY RESPONSE.—The Secretary may not plan for the transportation of spent nuclear fuel or high-level radioactive waste in a fiscal year for which funds appropriated under section 203(c) are insufficient (as determined by the Federal Emergency Management Agency) to ensure adequate and trained emergency response teams along all the transportation routes to be used in such fiscal year.

It was decided in the { Yeas 118
negative } Nays 305

123.22 [Roll No. 552]
AYES—118

Abercrombie
Ackerman
Andrews
Baesler
Barr
Becerra
Berman
Blagojevich
Blumenauer
Boswell
Bryant
Campbell
Cannon
Cardin
Carson
Christensen
Coburn
Cooksey
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dixon
Doggett
Doyle
Engel
English
Ensign
Eshoo
Evans
Filner
Flake
Forbes
Ford
Furse
Gephardt
Gibbons
Gilchrist

Gutierrez
Hansen
Hill
Hillery
Hinchey
Hooley
Hutchinson
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kingston
Kucinich
LaFalce
Lampson
Lantos
Lewis (GA)
Linder
Lowey
Lucas
Luther
Maloney (NY)
Markey
McCarthy (MO)
McDermott
McGovern
McKeon
McKinney
McNulty
Meehan
Millender-
McDonald
Miller (CA)
Mink
Moakley
Moran (KS)

Nadler
Ney
Owens
Pallone
Pappas
Pascarell
Paul
Payne
Pelosi
Pryce (OH)
Rahall
Reyes
Rivers
Rothman
Roybal-Allard
Sanchez
Schumer
Serrano
Shays
Sherman
Smith (NJ)
Souder
Stabenow
Stark
Stokes
Talent
Tauscher
Thomas
Thune
Tierney
Torres
Vento
Watkins
Watts (OK)
Waxman
Weygand
Wise
Wolf
Woolsey
Young (AK)

NOES—305

Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)

Barrett (WI)
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop

Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd

Bartlett
Cubin
Gonzalez

NOT VOTING—9

Johnson, Sam
McIntosh
Schiff

Tauzin
Weldon (FL)
Weldon (PA)

So the amendment was not agreed to.
After some further time,

123.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MARKEY:

Page 36, strike line 18 and all that follows through line 9 on page 39.

It was decided in the { Yeas 151
negative Nays 273

123.24 [Roll No. 553]

AYES—151

Abercrombie	Green	Owens
Ackerman	Gutierrez	Pallone
Allen	Hall (OH)	Pascarell
Andrews	Hefner	Payne
Baessler	Hinchey	Pelosi
Baldacci	Hooley	Portman
Barrett (WI)	Jackson (IL)	Poshards
Becerra	Jackson-Lee	Price (NC)
Bentsen	(TX)	Rahall
Berman	Jefferson	Ramstad
Blagojevich	Johnson, E. B.	Rangel
Blumenauer	Kaptur	Rivers
Boehrlert	Kennedy (MA)	Rodriguez
Boswell	Kennedy (RI)	Roemer
Brown (CA)	Kennelly	Rothman
Brown (OH)	Klecckza	Roybal-Allard
Campbell	Kucinich	Sabo
Carson	LaFalce	Sanchez
Clay	Lampson	Sanders
Clayton	Lantos	Sawyer
Conyers	Lewis (GA)	Schumer
Cooksey	Livingston	Serrano
Costello	LoBiondo	Shays
Coyne	Lofgren	Sherman
Cummings	Lowe	Skaggs
Davis (IL)	Lucas	Slaughter
DeFazio	Luther	Smith (NJ)
DeGette	Maloney (CT)	Smith, Adam
Delahunt	Maloney (NY)	Souder
DeLauro	Markey	Stabenow
Dellums	Matsui	Stark
Dicks	McCarthy (MO)	Stokes
Dixon	McCarthy (NY)	Strickland
Doggett	McDermott	Talent
Engel	McGovern	Tauscher
Ensign	McHale	Taylor (MS)
Eshoo	McKinney	Thompson
Evans	McNulty	Tierney
Farr	Meehan	Torres
Fattah	Menendez	Velazquez
Flaner	Millender-	Vento
Flake	McDonald	Walsh
Forbes	Miller (CA)	Waters
Ford	Mink	Watt (NC)
Frank (MA)	Moakley	Watts (OK)
Franks (NJ)	Moran (VA)	Waxman
Frost	Nadler	Weygand
Furse	Neal	Wise
Gejdenson	Oberstar	Wolf
Gephardt	Obey	Woolsey
Gibbons	Oliver	Yates

NOES—273

Aderholt	Burr	DeLay
Archer	Burton	Deutsch
Armey	Buyer	Diaz-Balart
Bachus	Callahan	Dickey
Baker	Calvert	Dingell
Ballenger	Camp	Dooley
Barcia	Canady	Doolittle
Barr	Cannon	Doyle
Barrett (NE)	Cardin	Dreier
Bartlett	Castle	Duncan
Barton	Chabot	Dunn
Bass	Chambliss	Edwards
Bateman	Chenoweth	Ehlers
Bereuter	Christensen	Ehrlich
Berry	Clement	Emerson
Bilbray	Clyburn	English
Bilirakis	Coble	Etheridge
Bishop	Coburn	Everett
Bliley	Collins	Ewing
Blunt	Combest	Fawell
Boehner	Condit	Fazio
Bonilla	Cook	Foglietta
Bonior	Cox	Foley
Bono	Cramer	Fowler
Borski	Crane	Fox
Boucher	Crapo	Frelinghuysen
Boyd	Cunningham	Gallely
Brady	Danner	Ganske
Brown (FL)	Davis (FL)	Gekas
Bryant	Davis (VA)	Gilchrist
Bunning	Deal	Gillmor

Gilman	Levin	Rogers
Goode	Lewis (CA)	Rohrabacher
Goodlatte	Lewis (KY)	Ros-Lehtinen
Goodling	Linder	Schaffer, Bob
Gordon	Lipinski	Roukema
Goss	Manton	Royce
Graham	Manzullo	Rush
Granger	Martinez	Ryun
Greenwood	Mascara	Salmon
Gutknecht	McCollum	Sandlin
Hall (TX)	McCrery	Sanford
Hamilton	McDade	Saxton
Harman	McHugh	Scarborough
Hastert	McInnis	Schaefer, Dan
Hastings (FL)	McIntosh	Schaffer, Bob
Hastings (WA)	McIntyre	Scott
Hayworth	McKeon	Sensenbrenner
Hefley	Meek	Sessions
Hill	Metcalf	Shadegg
Hilleary	Mica	Shaw
Hilliard	Miller (FL)	Shimkus
Hinojosa	Minge	Shuster
Hobson	Mollohan	Sisisky
Hoekstra	Moran (KS)	Skeen
Holden	Morella	Skelton
Horn	Murtha	Smith (MI)
Hostettler	Myrick	Smith (OR)
Houghton	Nethercutt	Smith (TX)
Hoyer	Neumann	Smith, Linda
Hulshof	Ney	Snowbarger
Hunter	Northup	Snyder
Hutchinson	Norwood	Solomon
Hyde	Nussle	Spence
Inglis	Ortiz	Spratt
Istook	Oxley	Stearns
Jenkins	Packard	Stenholm
John	Pappas	Stump
Johnson (CT)	Parker	Stupak
Johnson (WI)	Pastor	Sununu
Johnson, Sam	Paul	Tanner
Jones	Paxon	Tauzin
Kanjorski	Pease	Thomas
Kasich	Peterson (MN)	Thornberry
Kelly	Peterson (PA)	Thune
Kildee	Petri	Thurman
Kilpatrick	Pickering	Tiahrt
Kim	Pickett	Towns
Kind (WI)	Pitts	Trafigant
King (NY)	Pombo	Turner
Kingston	Pomeroy	Upton
Klink	Porter	Visclosky
Klug	Pryce (OH)	Wamp
Knollenberg	Quinn	Watkins
Kolbe	Radanovich	Weller
LaHood	Redmond	Wexler
Largent	Regula	White
Latham	Reyes	Whitfield
LaTourette	Riggs	Wicker
Lazio	Riley	Wynn
Leach	Rogan	Young (AK)
		Young (FL)

NOT VOTING—8

Cubin Herger Weldon (FL)
Gonzalez Schiff Weldon (PA)
Hansen Taylor (NC)

So the amendment was not agreed to.

123.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GIBBONS:

Page 55, beginning in line 3 strike “, except that” and all that follows through line 21 and insert a period.

It was decided in the { Yeas 67
negative Nays 357

123.26 [Roll No. 554]

AYES—67

Becerra	Doggett	Kennelly
Berman	Ensign	Kucinich
Cannon	Eshoo	LaFalce
Carson	Evans	Lampson
Clay	Filner	Lewis (GA)
Clayton	Furse	Lowe
Conyers	Gejdenson	Lucas
Cooksey	Gibbons	Maloney (NY)
Davis (IL)	Hansen	Markey
DeFazio	Hinchey	Martinez
DeGette	Hooley	McDermott
Delahunt	Jackson (IL)	McGovern
DeLauro	Jackson-Lee	McKinney
Dellums	(TX)	McNulty
Dixon	Kennedy (RI)	

Millender-McDonald	Rahall	Torres
Miller (CA)	Reyes	Vento
Mink	Roybal-Allard	Waters
Nadler	Serrano	Watt (NC)
Owens	Shays	Waxman
Pallone	Souder	Woolsey
Payne	Stark	Young (AK)
Pelosi	Stokes	
	Tierney	

NOES—357

Abercrombie	Dunn	Klecckza
Ackerman	Edwards	Klink
Aderholt	Ehlers	Klug
Allen	Ehrlich	Knollenberg
Andrews	Emerson	Kolbe
Archer	Engel	LaHood
Armey	English	Lantos
Bachus	Etheridge	Largent
Baessler	Everett	Latham
Baker	Ewing	LaTourette
Baldacci	Farr	Lazio
Ballenger	Fattah	Leach
Barcia	Fawell	Levin
Barr	Fazio	Lewis (CA)
Barrett (NE)	Flake	Lewis (KY)
Barrett (WI)	Foglietta	Linder
Bartlett	Foley	Lipinski
Barton	Forbes	Livingston
Bass	Ford	LoBiondo
Bateman	Fowler	Lofgren
Bentsen	Fox	Luther
Berry	Frank (MA)	Maloney (CT)
Bilbray	Franks (NJ)	Manton
Bilirakis	Frelinghuysen	Manzullo
Bishop	Frost	Mascara
Blagojevich	Gallely	Matsui
Bliley	Ganske	McCarthy (MO)
Blumenauer	Gekas	McCarthy (NY)
Blunt	Gephardt	McCollum
Boehrlert	Gilchrist	McCrery
Boehner	Gillmor	McDade
Bonilla	Gilman	McHale
Bonior	Goode	McHugh
Bono	Goodlatte	McInnis
Borski	Goodling	McIntosh
Boswell	Gordon	McIntyre
Boucher	Goss	McKeon
Boyd	Graham	Meehan
Brady	Granger	Meek
Brown (CA)	Green	Menendez
Brown (FL)	Greenwood	Metcalf
Brown (OH)	Gutierrez	Mica
Bryant	Gutknecht	Miller (FL)
Bunning	Hall (OH)	Minge
Burr	Hall (TX)	Moakley
Burton	Hamilton	Mollohan
Buyer	Harman	Moran (KS)
Callahan	Hastert	Moran (VA)
Calvert	Hastings (FL)	Morella
Camp	Hastings (WA)	Murtha
Campbell	Hayworth	Myrick
Canady	Hefley	Neal
Cardin	Hefner	Nethercutt
Castle	Herger	Neumann
Chabot	Hill	Ney
Chambliss	Hilleary	Northup
Chenoweth	Hilliard	Norwood
Christensen	Hinojosa	Nussle
Clement	Hobson	Oberstar
Clyburn	Hoekstra	Obey
Coble	Holden	Oliver
Coburn	Horn	Ortiz
Collins	Hostettler	Oxley
Combest	Houghton	Packard
Condit	Hoyer	Pappas
Cook	Hulshof	Parker
Costello	Hunter	Pascarell
Cox	Hutchinson	Pastor
Coyne	Hyde	Paul
Cramer	Inglis	Paxon
Crane	Istook	Pease
Crapo	Jefferson	Peterson (MN)
Cunningham	Jenkins	Peterson (PA)
	Johnson (CT)	Petri
	Johnson (WI)	Pickering
	Johnson, E. B.	Pickett
	Johnson, Sam	Pitts
	Jones	Pombo
	Kanjorski	Pomeroy
	Kaptur	Porter
	Kasich	Portman
	Kelly	Poshards
	Kennedy (MA)	Price (NC)
	Kildee	Pryce (OH)
	Kilpatrick	Quinn
	Kim	Radanovich
	Kind (WI)	Ramstad
	King (NY)	Rangel
	Kingston	Redmond

Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaefer, Bob
Schumer
Scott
Sensenbrenner
Sessions

Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner

Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Velazquez
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (FL)

NOT VOTING—8

Bereuter
Cubin
Gonzalez

John
Schiff
Taylor (NC)

Weldon (FL)
Weldon (PA)

So the amendment was not agreed to.

123.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. TRAFICANT:

Page 81, insert after line 13 the following:
“SEC. 510. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

“(a) IN GENERAL.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

“(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available under this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

“(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available under this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

It was decided in the affirmative { Yeas 407
Nays 2
Answered present 15

123.28

[Roll No. 555]

AYES—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker

Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman

Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer

Blunt
Boehler
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen

Frost
Gallegly
Ganske
Gantmon
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourrette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas

Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce

Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaefer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger

Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns

NOES—2

Conyers

Furse

ANSWERED “PRESENT”—15

Becerra
Filner
Gutierrez
Hinojosa
Martinez

Menendez
Ortiz
Pastor
Rahall
Reyes

Rodriguez
Roybal-Allard
Serrano
Torres
Velazquez

NOT VOTING—8

Cubin
Fawell
Gonzalez

Mica
Schiff
Taylor (NC)

Weldon (FL)
Weldon (PA)

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. HAYWORTH, assumed the Chair.

When Mr. MCINNIS, Chairman, pursuant to House Resolution 283, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. AMENDMENT OF NUCLEAR WASTE POLICY ACT OF 1982.

The Nuclear Waste Policy Act of 1982 is amended to read as follows:

“SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

“(a) SHORT TITLE.—This Act may be cited as the ‘Nuclear Waste Policy Act of 1997’.

“(b) TABLE OF CONTENTS.—

“Sec. 1. Short title and table of contents.

“Sec. 2. Definitions.

“Sec. 3. Findings and purposes.

“TITLE I—OBLIGATIONS

“Sec. 101. Obligations of the Secretary of Energy.

“TITLE II—INTEGRATED MANAGEMENT SYSTEM

“Sec. 201. Intermodal transfer.

“Sec. 202. Transportation planning.

“Sec. 203. Transportation requirements.

“Sec. 204. Interim storage.

“Sec. 205. Permanent disposal.

“Sec. 206. Land withdrawal.

“Sec. 207. Applicability.

“TITLE III—LOCAL RELATIONS

“Sec. 301. On-site representative.

“Sec. 302. Benefits agreements.

“Sec. 303. Content of agreements.

“Sec. 304. Acceptance of benefits.

“Sec. 305. Restriction on use of funds.

“Sec. 306. Initial land conveyances.

“Sec. 307. Payments equal to taxes.

"TITLE IV—FUNDING AND ORGANIZATION

- "Sec. 401. Program funding.
 "Sec. 402. Office of Civilian Radioactive Waste Management.
 "Sec. 403. Defense contribution.

"TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

- "Sec. 501. Compliance with other laws.
 "Sec. 502. Water rights.
 "Sec. 503. Judicial review of agency actions.
 "Sec. 504. Licensing of facility expansions and transshipments.
 "Sec. 505. Siting a second repository.
 "Sec. 506. Financial arrangements for low-level radioactive waste site closure.
 "Sec. 507. Nuclear Regulatory Commission training authorization.
 "Sec. 508. Acceptance schedule.
 "Sec. 509. Subseabed or ocean water disposal.
 "Sec. 510. Separability.
 "Sec. 511. Purchase of American-made equipment and products.

"TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

- "Sec. 601. Definitions.
 "Sec. 602. Nuclear Waste Technical Review Board.
 "Sec. 603. Functions.
 "Sec. 604. Investigatory powers.
 "Sec. 605. Compensation of members.
 "Sec. 606. Staff.
 "Sec. 607. Support services.
 "Sec. 608. Report.
 "Sec. 609. Authorization of appropriations.
 "Sec. 610. Termination of the board.

"TITLE VII—MANAGEMENT REFORM

- "Sec. 701. Management reform initiatives.
 "Sec. 702. Reporting.

"SEC. 2. DEFINITIONS.

"For purposes of this Act:

"(1) ACCEPT, ACCEPTANCE.—The terms 'accept' and 'acceptance' mean the Secretary's act of taking possession of spent nuclear fuel or high-level radioactive waste.

"(2) ACCEPTANCE SCHEDULE.—The term 'acceptance schedule' means the schedule established in section 508 for acceptance of spent nuclear fuel and high-level radioactive waste.

"(3) AFFECTED INDIAN TRIBE.—The term 'affected Indian tribe' means an Indian tribe whose reservation is surrounded by or borders on an affected unit of local government, or whose federally defined possessory or usage rights to other lands outside of the border of the Indian tribe's reservation arising out of congressionally ratified treaties may be affected by the locating of an interim storage facility or repository, if the Secretary finds, upon petition of the appropriate government officials of the Indian tribe, that such affects are both substantial and adverse to the Indian tribe.

"(4) AFFECTED UNIT OF LOCAL GOVERNMENT.—The term 'affected unit of local government' means the unit of local government with jurisdiction over the site of a repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

"(5) ATOMIC ENERGY DEFENSE ACTIVITY.—The term 'atomic energy defense activity' means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:

- "(A) Naval reactors development.
 "(B) Weapons activities including defense inertial confinement fusion.
 "(C) Verification and control technology.
 "(D) Defense nuclear materials production.
 "(E) Defense nuclear waste and materials byproducts management.
 "(F) Defense nuclear materials security and safeguards and security investigations.

"(G) Defense research and development.

"(H) Nuclear nonproliferation.

"(6) CIVILIAN NUCLEAR POWER REACTOR.—The term 'civilian nuclear power reactor' means a civilian nuclear power plant required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

"(7) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.

"(8) DEPARTMENT.—The term 'Department' means the Department of Energy.

"(9) DISPOSAL.—The term 'disposal' means the emplacement in a repository of spent nuclear fuel, high-level radioactive waste, or other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such material for any future purpose.

"(10) DISPOSAL SYSTEM.—The term 'disposal system' means all natural barriers and engineered barriers, and engineered systems and components, that prevent the release of radionuclides from the repository.

"(11) ENGINEERED BARRIERS.—The terms 'engineered barriers' and 'engineered systems and components,' mean man made components of a disposal system. Such terms include the spent nuclear fuel or high-level radioactive waste form, spent nuclear fuel package or high-level radioactive waste package, and other materials placed over and around such packages.

"(12) HIGH-LEVEL RADIOACTIVE WASTE.—The term 'high-level radioactive waste' means—

"(A) the highly radioactive material resulting from the reprocessing in the United States of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations;

"(B) the highly radioactive material resulting from atomic energy defense activities; and

"(C) any other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation.

"(13) FEDERAL AGENCY.—The term 'Federal agency' means any Executive agency, as defined in section 105 of title 5, United States Code.

"(14) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

"(15) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management system' means the system developed by the Secretary for the acceptance, transportation, storage, and disposal of spent nuclear fuel and high-level radioactive waste.

"(16) INTERIM STORAGE FACILITY.—The term 'interim storage facility' means a facility designed and constructed for the receipt, handling, possession, safeguarding, and storage of spent nuclear fuel and high-level radioactive waste in accordance with title II of this Act.

"(17) INTERIM STORAGE FACILITY SITE.—The term 'interim storage facility site' means the specific site within Area 25 of the Nevada Test Site that is designated by the Secretary and withdrawn and reserved in accordance with this Act for the location of the interim storage facility.

"(18) LOW-LEVEL RADIOACTIVE WASTE.—The term 'low-level radioactive waste' means radioactive material that—

"(A) is not spent nuclear fuel, high-level radioactive waste, transuranic waste, or by-product material as defined in section 11 e.(2)

of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)); and

"(B) the Commission, consistent with existing law, classifies as low-level radioactive waste.

"(19) METRIC TONS URANIUM.—The terms 'metric tons uranium' and 'MTU' mean the amount of uranium in the original unirradiated fuel element whether or not the spent nuclear fuel has been reprocessed.

"(20) NUCLEAR WASTE FUND.—The term 'Nuclear Waste Fund' means the nuclear waste fund established in the United States Treasury prior to the date of enactment of this Act under section 302(c) of the Nuclear Waste Policy Act of 1982.

"(21) OFFICE.—The term 'Office' means the Office of Civilian Radioactive Waste Management established within the Department prior to the date of enactment of this Act under the provisions of the Nuclear Waste Policy Act of 1982.

"(22) PACKAGE.—The term 'package' means the primary container that holds, and is in direct contact with, solidified high-level radioactive waste, spent nuclear fuel, or other radioactive materials and any overpack that are emplaced at a repository.

"(23) PROGRAM APPROACH.—The term 'program approach' means the Civilian Radioactive Waste Management Program Plan, dated May 1996, as modified by this Act, and as amended from time to time by the Secretary in accordance with this Act.

"(24) REPOSITORY.—The term 'repository' means a system designed and constructed under title II of this Act for the permanent geologic disposal of spent nuclear fuel and high-level radioactive waste, including both surface and subsurface areas at which spent nuclear fuel and high-level radioactive waste receipt, handling, possession, safeguarding, and storage are conducted.

"(25) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

"(26) SITE CHARACTERIZATION.—The term 'site characterization' means activities, whether in a laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory facilities, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the licensability of a candidate site for the location of a repository, but not including preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

"(27) SPENT NUCLEAR FUEL.—The term 'spent nuclear fuel' means fuel, other than foreign spent nuclear fuel as defined in section 131 f.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2160(f)(4)), that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

"(28) STORAGE.—The term 'storage' means retention of spent nuclear fuel or high-level radioactive waste with the intent to recover such waste or fuel for subsequent use, processing, or disposal.

"(29) WITHDRAWAL.—The term 'withdrawal' has the same definition as that set forth in the Federal Land Policy and Management Act (43 U.S.C. 1702 et seq.).

"(30) YUCCA MOUNTAIN SITE.—The term 'Yucca Mountain site' means the area in the State of Nevada that is withdrawn and reserved in accordance with this Act for the location of a repository.

"SEC. 3. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) while spent nuclear fuel can be safely stored at reactor sites, the expeditious movement to and storage of such spent nuclear fuel at a centralized Federal facility will en-

hance the Nation's environmental protection;

"(2) while the Federal Government has the responsibility to provide for the centralized interim storage and permanent disposal of spent nuclear fuel and high-level radioactive waste to protect the public health and safety and the environment, the costs of such storage and disposal should be the responsibility of the generators and owners of such waste and fuel, including the Federal Government;

"(3) in the interests of protecting the public health and safety, enhancing the Nation's environmental protection, promoting the Nation's energy security, and ensuring the Secretary's ability to commence acceptance of spent nuclear fuel and high-level radioactive waste no later than January 31, 2002, it is necessary for Congress to authorize the interim storage facility;

"(4) deficit-control measures designed to limit appropriation of general revenues have limited the availability of the Nuclear Waste Fund for its intended purposes; and

"(5) the Federal Government has the responsibility to provide for the permanent disposal of waste generated from United States atomic energy defense activities.

"(b) PURPOSES.—The purposes of this Act are—

"(1) to direct the Secretary to develop an integrated management system in accordance with this Act so that the Department can accept spent nuclear fuel or high-level radioactive waste for interim storage commencing no later than January 31, 2002, and for permanent disposal at a repository commencing no later than January 17, 2010;

"(2) to provide for the siting, construction, and operation of a repository for permanent geologic disposal of spent nuclear fuel and high-level radioactive waste in order to adequately protect the public and the environment;

"(3) to take those actions necessary to ensure that the consumers of nuclear energy, who are funding the Secretary's activities under this Act, receive the services to which they are entitled and realize the benefits of enhanced protection of public health and safety, and the environment, that will ensue from the Secretary's compliance with the obligations imposed by this Act; and

"(4) to provide a schedule and process for the expeditious and safe development and commencement of operation of an integrated management system and any necessary modifications to the transportation infrastructure to ensure that the Secretary can commence acceptance of spent nuclear fuel and high-level radioactive waste no later than January 31, 2002.

"TITLE I—OBLIGATIONS

"SEC. 101. OBLIGATIONS OF THE SECRETARY OF ENERGY.

"(a) DISPOSAL.—The Secretary shall develop and operate a repository for the permanent geologic disposal of spent nuclear fuel and high-level radioactive waste.

"(b) ACCEPTANCE.—The Secretary shall accept spent nuclear fuel and high-level radioactive waste for storage at the interim storage facility pursuant to section 204 in accordance with the acceptance schedule, beginning not later than January 31, 2002.

"(c) TRANSPORTATION.—The Secretary shall provide for the transportation of spent nuclear fuel and high-level radioactive waste accepted by the Secretary.

"(d) INTEGRATED MANAGEMENT SYSTEM.—The Secretary shall expeditiously pursue the development of each component of the integrated management system, and in so doing shall seek to utilize effective private sector management and contracting practices.

"TITLE II—INTEGRATED MANAGEMENT SYSTEM

"SEC. 201. INTERMODAL TRANSFER.

"(a) TRANSPORTATION.—The Secretary shall utilize heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from the mainline rail line at Caliente, Nevada, to the interim storage facility site. If direct rail access becomes available to the interim storage facility site, the Secretary may use rail transportation to meet the requirements of this title.

"(b) CAPABILITY DATE.—The Secretary shall develop the capability to commence rail to truck intermodal transfer at Caliente, Nevada, no later than January 31, 2002.

"(c) ACQUISITIONS.—The Secretary shall acquire lands and rights-of-way necessary to commence intermodal transfer at Caliente, Nevada.

"(d) REPLACEMENTS.—The Secretary shall acquire and develop on behalf of, and dedicate to, the City of Caliente, Nevada, parcels of land and rights-of-way as required to facilitate replacement of land and city wastewater disposal activities necessary to commence intermodal transfer pursuant to this Act. Replacement of land and city wastewater disposal activities shall occur no later than January 31, 2002.

"(e) NOTICE AND MAP.—Within 6 months of the date of enactment of this Act, the Secretary shall—

"(1) publish in the Federal Register a notice containing a legal description of the sites and rights-of-way to be acquired under this section; and

"(2) file copies of a map of such sites and rights-of-way with the Congress, the Secretary of the Interior, the State of Nevada, the Archivist of the United States, the Board of Lincoln County Commissioners, the Board of Nye County Commissioners, and the Caliente City Council.

Such map and legal description shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in legal descriptions and make minor adjustments in the boundaries.

"(f) IMPROVEMENTS.—The Secretary shall make improvements to existing roadways selected for heavy-haul truck transport between Caliente, Nevada, and the interim storage facility site as necessary to facilitate year-round safe transport of spent nuclear fuel and high-level radioactive waste.

"(g) HEAVY-HAUL TRANSPORTATION ROUTE.—

"(1) DESIGNATION OF ROUTE.—The route for the heavy-haul truck transport of spent nuclear fuel and high-level radioactive waste shall be as designated in the map dated July 21, 1997 (referred to as 'Heavy-Haul Route') and on file with the Secretary.

"(2) TRUCK TRANSPORTATION.—The Secretary, in consultation with the State of Nevada and appropriate counties and local jurisdictions, shall establish reasonable terms and conditions pursuant to which the Secretary may utilize heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from Caliente, Nevada, to the interim storage facility site.

"(3) IMPROVEMENTS AND MAINTENANCE.—Notwithstanding any other law—

"(A) the Secretary shall be responsible for any incremental costs related to improving or upgrading Federal, State, and local roads within the heavy-haul transportation route utilized, and performing any maintenance activities on such roads, as necessary, to facilitate year-round safe transport of spent nuclear fuel and high-level radioactive waste; and

"(B) any such improvement, upgrading, or maintenance activity shall be funded solely by appropriations made pursuant to sections 401 and 403 of this Act.

"(h) LOCAL GOVERNMENT INVOLVEMENT.—The Commission shall enter into a Memorandum of Understanding with the City of Caliente and Lincoln County, Nevada, to provide advice to the Commission regarding intermodal transfer and to facilitate on-site representation. Reasonable expenses of such representation shall be paid by the Secretary.

"SEC. 202. TRANSPORTATION PLANNING.

"(a) TRANSPORTATION READINESS.—The Secretary shall take those actions that are necessary and appropriate to ensure that the Secretary is able to accept and transport spent nuclear fuel and high-level radioactive waste beginning not later than January 31, 2002. As soon as is practicable following the enactment of this Act, the Secretary shall analyze each specific reactor facility in the order of priority established in the acceptance schedule, and develop a logistical plan to assure the Secretary's ability to transport spent nuclear fuel and high-level radioactive waste, using routes that minimize, to the maximum practicable extent and consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas.

"(b) TRANSPORTATION PLANNING.—

"(1) IN GENERAL.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation institutional plans to ensure that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility no later than January 31, 2002. Among other things, such planning shall provide a schedule and process for addressing and implementing, as necessary, transportation routing plans, transportation contracting plans, transportation training in accordance with section 203, and transportation tracking programs.

"(2) RAIL ROUTES.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall establish procedures for the selection of preferred rail routes for the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage site and the repository site. Such procedures shall be established in consultation with the designated emergency services planning management official for any State or Indian tribe affected by the rail routes selected.

"SEC. 203. TRANSPORTATION REQUIREMENTS.

"(a) PACKAGE CERTIFICATION.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

"(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and local governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

"(c) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall provide technical assistance and funds to States, affected units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste for training for public safety officials of appropriate units of local government. Training shall cover procedures required for safe routine transportation of these materials, as well as procedures for dealing with emergency response situations. The Secretary's duty to provide technical and financial assistance under this subsection shall be limited to amounts specified in annual appropriations.

“(2) EMPLOYEE ORGANIZATIONS.—

“(A) IN GENERAL.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations, voluntary emergency response organization, and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste or emergency response or post-emergency response with respect to such transportation.

“(B) TRAINING.—Training under this paragraph—

“(i) shall cover procedures required for safe routine transportation of materials and procedures for dealing with emergency response situations;

“(ii) shall be consistent with any training standards established by the Secretary of Transportation; and

“(iii) shall include—

“(I) a training program applicable to persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste;

“(II) instruction of public safety officers in procedures for the command and control of the response to any incident involving the waste; and

“(III) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving spent nuclear fuel or high-level radioactive waste being transported.

“(3) GRANTS.—To implement this subsection, grants shall be made under section 401(c).

“(4) MINIMIZING DUPLICATION OF EFFORT AND EXPENSES.—The Secretaries of Transportation, Labor, and Energy, Directors of the Federal Emergency Management Agency and National Institute of Environmental Health Sciences, the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

“(d) USE OF PRIVATE CARRIERS.—The Secretary, in providing for the transportation of spent nuclear fuel and high-level radioactive waste under this Act, shall by contract use private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination by the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at a reasonable cost.

“(e) TRANSFER OF TITLE.—Acceptance by the Secretary of any spent nuclear fuel or high-level radioactive waste shall constitute a transfer of title to the Secretary.

“(f) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of section 20109 of title 49, United States Code (in the case of employees of railroad carriers), and section 31105 of title 49, United States Code (in the case of employees operating commercial motor vehicles), or the

Commission (in the case of all other employees).

“(g) TRAINING STANDARD.—

“(1) REGULATION.—No later than 12 months after the date of enactment of this Act, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

“(2) SECRETARY OF TRANSPORTATION.—If the Secretary of Transportation determines, in promulgating the regulation required by paragraph (1), that existing Federal regulations establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall use their Memorandum of Understanding to ensure coordination of worker training standards and to avoid duplicative regulation.

“(3) TRAINING STANDARDS CONTENT.—If training standards are required to be promulgated under paragraph (1), such standards shall, among other things deemed necessary and appropriate by the Secretary of Transportation, provide for—

“(A) a specified minimum number of hours of initial off site instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

“(B) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

“(C) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to fulfill the minimum number of hours requirements of subparagraphs (A) and (B).

“(4) EMERGENCY RESPONDER TRAINING STANDARDS.—The training standards for persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste shall, in accordance with existing regulations, ensure their ability to protect nearby persons, property, or the environment from the effects of accidents involving spent nuclear fuel and high-level radioactive waste.

“(5) AUTHORIZATION.—There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

“SEC. 204. INTERIM STORAGE.

“(a) AUTHORIZATION.—The Secretary shall design, construct, and operate a facility for the interim storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility site. The interim storage facility shall be subject to licensing pursuant to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) in accordance with the Commission's regulations governing the licensing of

independent spent fuel storage installations and shall commence operation in phases by January 31, 2002. The interim storage facility shall store spent nuclear fuel and high-level radioactive waste until the Secretary is able to transfer such fuel and waste to the repository.

“(b) DESIGN.—The design of the interim storage facility shall provide for the use of storage technologies licensed or certified by the Commission for use at the interim storage facility as necessary to ensure compatibility between the interim storage facility and contract holders' spent nuclear fuel and facilities, and to facilitate the Secretary's ability to meet the Secretary's obligations under this Act.

“(c) LICENSING.—

“(1) PHASES.—The interim storage facility shall be licensed by the Commission in two phases in order to commence operations no later than January 31, 2002.

“(2) FIRST PHASE.—No later than 12 months after the date of enactment of this Act, the Secretary shall submit to the Commission an application for a license for the first phase of the interim storage facility. The license issued for the first phase of the interim storage facility shall have a term of 20 years. The interim storage facility licensed in the first phase shall have a capacity of not more than 10,000 MTU. The Commission shall issue a final decision granting or denying the application for the first phase license no later than 36 months from the date of the submittal of the application for such license.

“(3) SECOND PHASE.—The Secretary shall submit to the Commission an application for a license for the second phase interim storage facility. The license for the second phase facility shall authorize a storage capacity of 40,000 MTU. The license for the second phase shall have an initial term of up to 100 years, and shall be renewable for additional terms upon application of the Secretary.

“(d) ADDITIONAL AUTHORITY.—

“(1) CONSTRUCTION.—For the purpose of complying with subsection (a), the Secretary may commence site preparation for the interim storage facility as soon as practicable after the date of enactment of this Act and shall commence construction of the first phase of the interim storage facility subsequent to submittal of the license application except that the Commission shall issue an order suspending such construction at any time if the Commission determines that such construction poses an unreasonable risk to public health and safety or the environment. The Commission shall terminate all or part of such order upon a determination that the Secretary has taken appropriate action to eliminate such risk.

“(2) FACILITY USE.—Notwithstanding any otherwise applicable licensing requirement, the Secretary may utilize any facility owned by the Federal Government on the date of enactment of this Act and within the boundaries of the interim storage facility site, in connection with an imminent and substantial endangerment to public health and safety at the interim storage facility prior to commencement of operations during the second phase.

“(e) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—

“(1) PRELIMINARY DECISIONMAKING ACTIVITIES.—The Secretary's activities under this section, including the selection of a site for the interim storage facility, the preparation and submittal of any license application, and the construction and operation of any facility shall be considered preliminary decision-making activities for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). No such activity shall require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of

1969 (42 U.S.C. 4332(2)(C)) or require any environmental review under subparagraph (E) or (F) of such Act.

“(2) ENVIRONMENTAL IMPACT STATEMENT.—

“(A) FINAL DECISION.—A final decision of the Commission to grant or deny a license application for the first or second phase of the interim storage facility shall be accompanied by an Environmental Impact Statement prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). In preparing such Environmental Impact Statement, the Commission—

“(i) shall assume that 40,000 MTU will be stored at the facility; and

“(ii) shall analyze the impacts of the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility in a generic manner.

“(B) CONSIDERATIONS.—Such Environmental Impact Statement shall not consider—

“(i) the need for the interim storage facility, including any individual component thereof;

“(ii) the time of the initial availability of the interim storage facility;

“(iii) any alternatives to the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility;

“(iv) any alternatives to the site of the facility as designated by the Secretary in accordance with subsection (a);

“(v) any alternatives to the design criteria for such facility or any individual component thereof, as specified by the Secretary in the license application; or

“(vi) the environmental impacts of the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility beyond the initial term of the license or the term of the renewal period for which a license renewal application is made.

“(f) JUDICIAL REVIEW.—Judicial review of the Commission's environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be consolidated with judicial review of the Commission's licensing decision. No court shall have jurisdiction to enjoin the construction or operation of the interim storage facility prior to its final decision on review of the Commission's licensing action.

“(g) WASTE CONFIDENCE.—The Secretary's obligation to construct and operate the interim storage facility in accordance with this section and the Secretary's obligation to develop an integrated management system in accordance with the provisions of this Act, shall provide sufficient and independent grounds for any further findings by the Commission of reasonable assurance that spent nuclear fuel and high-level radioactive waste will be disposed of safely and on a timely basis for purposes of the Commission's decision to grant or amend any license to operate any civilian nuclear power reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

“(h) SAVINGS CLAUSE.—Nothing in this Act shall affect the Commission's procedures for the licensing of any technology for the dry storage of spent nuclear fuel at the site of any civilian nuclear power reactor as adopted by the Commission under section 218 of the Nuclear Waste Policy Act of 1982, as in effect prior to the date of the enactment of this Act. The establishment of such procedures shall not preclude the licensing, under any applicable procedures or rules of the Commission in effect prior to such establishment, of any technology for the storage of civilian spent nuclear fuel at the site of any civilian nuclear power reactor.

“SEC. 205. PERMANENT DISPOSAL.

“(a) SITE CHARACTERIZATION.—

“(1) GUIDELINES.—The guidelines promulgated by the Secretary and published at 10

CFR part 960 are annulled and revoked and the Secretary shall make no assumptions or conclusions about the licensability of the Yucca Mountain site as a repository by reference to such guidelines.

“(2) SITE CHARACTERIZATION ACTIVITIES.—The Secretary shall carry out appropriate site characterization activities at the Yucca Mountain site in accordance with the Secretary's program approach to site characterization if the Secretary modifies or eliminates those site characterization activities designed to demonstrate the suitability of the site under the guidelines referenced in paragraph (1).

“(3) DATE.—No later than December 31, 2002, the Secretary shall apply to the Commission for authorization to construct a repository that will commence operations no later than January 17, 2010. If, at any time prior to the filing of such application, the Secretary determines that the Yucca Mountain site cannot satisfy the Commission's regulations applicable to the licensing of a geologic repository, the Secretary shall terminate site characterization activities at the site, notify Congress and the State of Nevada of the Secretary's determination and the reasons therefor, and recommend to Congress not later than 6 months after such determination further actions, including the enactment of legislation, that may be needed to manage the Nation's spent nuclear fuel and high-level radioactive waste.

“(4) MAXIMIZING CAPACITY.—In developing an application for authorization to construct the repository, the Secretary shall seek to maximize the capacity of the repository.

“(b) LICENSING.—Within one year of the date of enactment of this Act, the Commission shall amend its regulations governing the disposal of spent nuclear fuel and high-level radioactive waste in geologic repositories to the extent necessary to comply with this Act. Subject to subsection (c), such regulations shall provide for the licensing of the repository according to the following procedures:

“(1) CONSTRUCTION AUTHORIZATION.—The Commission shall grant the Secretary a construction authorization for the repository upon determining that there is reasonable assurance that spent nuclear fuel and high-level radioactive waste can be disposed of in the repository—

“(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

“(B) with adequate protection of the health and safety of the public; and

“(C) consistent with the common defense and security.

“(2) LICENSE.—Following substantial completion of construction and the filing of any additional information needed to complete the license application, the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository if the Commission determines that the repository has been constructed and will operate—

“(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

“(B) with adequate protection of the health and safety of the public; and

“(C) consistent with the common defense and security.

“(3) CLOSURE.—After emplacing spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission's regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The

Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

“(A) in conformity with the Secretary's application to amend the license, the provisions of this Act, and the regulations of the Commission;

“(B) with adequate protection of the health and safety of the public; and

“(C) consistent with the common defense and security.

“(4) POST-CLOSURE.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activity at the site subsequent to repository closure that poses an unreasonable risk of—

“(A) breaching the repository's engineered or geologic barriers; or

“(B) increasing the exposure of individual members of the public to radiation beyond the release standard established in subsection (d)(1).

“(c) MODIFICATION OF REPOSITORY LICENSING PROCEDURE.—The Commission's regulations shall provide for the modification of the repository licensing procedure, as appropriate, in the event that the Secretary seeks a license to permit the emplacement in the repository, on a retrievable basis, of only that quantity of spent nuclear fuel or high-level radioactive waste that is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.

“(d) LICENSING STANDARDS.—Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall not promulgate, by rule or otherwise, standards for protection of the public from releases of radioactive materials or radioactivity from the repository and any such standards existing on the date of enactment of this Act shall not be incorporated in the Commission's licensing regulations. The Commission's repository licensing determinations for the protection of the public shall be based solely on a finding whether the repository can be operated in conformance with the overall system performance standard established in paragraph (1)(A) and applied in accordance with the provisions of paragraph (1)(B). The Commission shall amend its regulations in accordance with subsection (b) to incorporate each of the following licensing standards:

“(1) RELEASE STANDARD.—

“(A) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—The standard for protection of the public from release of radioactive material or radioactivity from the repository shall prohibit releases that would expose an average member of the general population in the vicinity of the Yucca Mountain site to an annual dose in excess of 100 millirems unless the Commission, in consultation with the Administrator of the Environmental Protection Agency, determines by rule that such standard would not provide for adequate protection of the health and safety of the public and establishes by rule another standard which will provide for adequate protection of the health and safety of the public. Such standard shall constitute an overall system performance standard.

“(B) APPLICATION OF OVERALL SYSTEM PERFORMANCE STANDARD.—The Commission shall issue the license if it finds reasonable assurance that—

“(i) for the first 1,000 years following the commencement of repository operations, the overall system performance standard will be met based on a deterministic or probabilistic evaluation of the overall performance of the disposal system; and

“(ii) for the period commencing after the first 1,000 years of operation of the repository

tory and terminating at 10,000 years after the commencement of operation of the repository, there is likely to be compliance with the overall system performance standard based on regulatory insight gained through the use of a probabilistic integrated performance model that uses best estimate assumptions, data, and methods.

“(2) HUMAN INTRUSION.—The Commission shall assume that, following repository closure, the inclusion of engineered barriers and the Secretary’s post-closure actions at the Yucca Mountain site, in accordance with subsection (b)(3), shall be sufficient to—

“(A) prevent any human activity at the site that poses an unreasonable risk of breaching the repository’s engineered or geologic barriers; and

“(B) prevent any increase in the exposure of individual members of the public to radiation beyond allowable limits as specified in paragraph (1).

“(e) NATIONAL ENVIRONMENTAL POLICY ACT.—

“(1) SUBMISSION OF STATEMENT.—Construction and operation of the repository shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the application for construction authorization.

“(2) CONSIDERATIONS.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary shall not consider in the environmental impact statement the need for the repository, alternative sites for the repository, the time of the initial availability of the repository, or any alternatives to the isolation of spent nuclear fuel and high-level radioactive waste in a repository.

“(3) ADOPTION BY COMMISSION.—The Secretary’s environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (b)(1), a license under subsection (b)(2), or a license amendment under subsection (b)(3). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969, and no further consideration shall be required, except that nothing in this subsection shall affect any independent responsibilities of the Commission to protect the public health and safety under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.). In any such statement prepared with respect to the repository, the Commission shall not consider the need for a repository, the time of initial availability of the repository, alternate sites to the Yucca Mountain site, or nongeologic alternatives to such site.

“(f) JUDICIAL REVIEW.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.

“SEC. 206. LAND WITHDRAWAL.

“(a) WITHDRAWAL AND RESERVATION.—

“(1) WITHDRAWAL.—Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal leasing laws, the material sale laws, and the mining laws.

“(2) JURISDICTION.—Jurisdiction of any land within the interim storage facility site and the Yucca Mountain site managed by the

Secretary of the Interior or any other Federal officer is transferred to the Secretary.

“(3) RESERVATION.—The interim storage facility site and the Yucca Mountain site are reserved for the use of the Secretary for the construction and operation, respectively, of the interim storage facility and the repository and activities associated with the purposes of this title.

“(b) LAND DESCRIPTION.—

“(1) BOUNDARIES.—The boundaries depicted on the map entitled ‘Interim Storage Facility Site Withdrawal Map’, dated July 28, 1995, and on file with the Secretary, are established as the boundaries of the interim storage facility site.

“(2) BOUNDARIES.—The boundaries depicted on the map entitled ‘Yucca Mountain Site Withdrawal Map’, dated July 28, 1995, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

“(3) NOTICE AND MAPS.—Within 6 months of the date of enactment of this Act, the Secretary shall—

“(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

“(B) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

“(4) NOTICE AND MAPS.—Concurrent with the Secretary’s application to the Commission for authority to construct the repository, the Secretary shall—

“(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

“(B) file copies of the maps described in paragraph (2), and the legal description of the Yucca Mountain site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

“(5) CONSTRUCTION.—The maps and legal descriptions of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

“SEC. 207. APPLICABILITY.

“Nothing in this Act shall affect the application of chapter 51 of title 49, United States Code; part A of subtitle V of title 49, United States Code; part B of subtitle VI of title 49, United States Code; and title 23, United States Code.

“TITLE III—LOCAL RELATIONS

“SEC. 301. ON-SITE REPRESENTATIVE.

“The Secretary shall offer to Nye County, Nevada, an opportunity to designate a representative to conduct on-site oversight activities at the Yucca Mountain site. Reasonable expenses of such representatives shall be paid by the Secretary.

“SEC. 302. BENEFITS AGREEMENTS.

“(a) IN GENERAL.—

“(1) SEPARATE AGREEMENTS.—The Secretary shall offer to enter into separate agreements with Nye County, Nevada, and Lincoln County, Nevada, concerning the integrated management system.

“(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any right to participation or compensation of Nye County, Nevada, and Lincoln County, Nevada.

“(b) AMENDMENT.—An agreement entered into under subsection (a) may be amended

only with the mutual consent of the parties to the amendment and terminated only in accordance with subsection (c).

“(c) TERMINATION.—The Secretary shall terminate an agreement under subsection (a) if any element of the integrated management system may not be completed.

“(d) LIMITATION.—Only 1 agreement each for Nye County, Nevada, and Lincoln County, Nevada, may be in effect at any one time.

“(e) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.

“SEC. 303. CONTENT OF AGREEMENTS.

“(a) IN GENERAL.—

“(1) SCHEDULE.—The Secretary, subject to appropriations, shall make payments to the party of a benefits agreement under section 302(a) in accordance with the following schedule:

“BENEFITS SCHEDULE

[Amounts in millions]

Event	County
(A) Annual payments prior to first receipt of fuel	\$2.5
(B) Upon first spent fuel receipt	\$5
(C) Annual payments after first spent fuel receipt until closure of facility	\$5

“(2) DEFINITIONS.—For purposes of this section, the term—

“(A) ‘spent fuel’ means high-level radioactive waste or spent nuclear fuel; and

“(B) ‘first spent fuel receipt’ does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

“(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under line (A) of the benefit schedule shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under line (C) of the benefit schedule shall be made on the anniversary date of such first spent fuel receipt.

“(4) REDUCTION.—If the first spent fuel payment under line (B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under line (A) of the benefit schedule, such first spent fuel payment under line (B) of the benefit schedule shall be reduced by an amount equal to 1/2 of such annual payment under line (A) of the benefit schedule for each full month less than 6 that has not elapsed since the last annual payment under line (A) of the benefit schedule.

“(b) CONTENTS.—A benefits agreement under section 302 shall provide that—

“(1) the parties to the agreement shall share with one another information relevant to the licensing process for the interim storage facility or repository, as it becomes available; and

“(2) the affected unit of local government that is party to such agreement may comment on the development of the integrated management system and on documents required under law or regulations governing the effects of the system on the public health and safety.

“(c) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under section 302 shall constitute a commitment by the United States to make payments in accordance with such agreement.

“SEC. 304. ACCEPTANCE OF BENEFITS.

“(a) CONSENT.—The acceptance or use of any of the benefits provided under this title

by any affected unit of local government shall not be deemed to be an expression of consent, express, or denied, either under the Constitution of the State of Nevada or any law thereof, to the siting of the interim storage facility or repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

"(b) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State of Nevada, to oppose the siting in Nevada of the interim storage facility or repository premised upon or related to the acceptance or use of benefits under this title.

"(c) LIABILITY.—No liability of any nature shall accrue to be asserted against the State of Nevada, its Governor, any official thereof, or any official of any governmental unit thereof, premised solely upon the acceptance or use of benefits under this title.

"SEC. 305. RESTRICTION ON USE OF FUNDS.

"None of the funding provided under section 303 may be used—

"(1) directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code;

"(2) for litigation purposes; and

"(3) to support multistate efforts or other coalition-building activities inconsistent with the purposes of this Act.

"SEC. 306. INITIAL LAND CONVEYANCES.

"(a) CONVEYANCE OF PUBLIC LANDS.—Within 120 days after October 1, 1998, the Secretary of the Interior, or other agency with jurisdiction over the public lands described in subsection (b), shall convey the public lands described in subsection (b) to the appropriate county, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye, County of Lincoln, or the City of Caliente under this subsection that are subject to a Federal grazing permit or a similar federally granted privilege shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the privilege would be able to legally terminate such privilege under the statutes and regulations existing on October 1, 1998, unless the Federal agency, county or city, and the affected holder of the privilege negotiate an agreement that allows for an earlier conveyance, but in no case to occur earlier than October 1, 1998.

"(b) SPECIAL CONVEYANCES.—Subject to valid existing rights and notwithstanding any other law, the Secretary of the Interior or the head of the other appropriate agency shall convey:

"(1) To the County of Nye, Nevada, the following public lands depicted on the maps dated October 11, 1995, and on file with the Secretary:

"Map 1: Proposed Pahrump Industrial Park Site

"Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

"Map 3: Pahrump Landfill Sites

"Map 4: Amargosa Valley Regional Landfill Site

"Map 5: Amargosa Valley Municipal Landfill Site

"Map 6: Beatty Landfill/Transfer station Site

"Map 7: Round Mountain Landfill Site

"Map 8: Tonopah Landfill Site

"Map 9: Gabbs Landfill Site.

"(2) To the County of Lincoln, Nevada, the following public lands depicted on the maps

dated October 11, 1995, and on file with the Secretary:

"Map 2: Lincoln County, Parcel M, Industrial Park Site, Jointly with the City of Caliente

"Map 3: Lincoln County, Parcels F and G, Mixed Use, Industrial Sites

"Map 4: Lincoln County, Parcels H and I, Mixed Use and Airport Expansion Sites

"Map 5: Lincoln County, Parcels J and K, Mixed Use, Airport and Landfill Expansion Sites

"Map 6: Lincoln County, Parcels E and L, Mixed Use, Airport and Industrial Expansion Sites.

"(3) To the City of Caliente, Nevada, the following public lands depicted on the maps dated October 11, 1995, and on file with the Secretary:

"Map 1: City of Caliente, Parcels A, B, C and D, Community Growth, Landfill Expansion and Community Recreation Sites

"Map 2: City of Caliente, Parcel M, Industrial Park Site, jointly with Lincoln County.

"(c) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—The activities of the Secretary and the head of any other Federal agency in connection with subsections (a) and (b) shall be considered preliminary decision making activities. No such activity shall require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) or any environmental review under subparagraph (E) or (F) of section 102(2) of such Act.

"SEC. 307. PAYMENTS EQUAL TO TAXES.

"(a) TAXABLE AMOUNTS.—In addition to financial assistance provided under this title, the Secretary is authorized to grant to any affected Indian tribe or affected unit of local government an amount each fiscal year equal to the amount such affected Indian tribe or affected unit of local government, respectively, would receive if authorized to tax integrated management system activities, as such affected Indian tribe or affected unit of local government taxes the non-Federal real property and industrial activities occurring within such affected unit of local government.

"(b) TERMINATION.—Such grants shall continue until such time as all such activities, development, and operations are terminated at such site.

"(c) ASSISTANCE TO INDIAN TRIBES AND UNITS OF LOCAL GOVERNMENT.—

"(1) PERIOD.—Any affected Indian tribe or affected unit of local government may not receive any grant under subsection (a) after the expiration of the 1-year period following the date on which the Secretary notifies the affected Indian tribe or affected unit of local government of the termination of the operation of the integrated management system.

"(2) ACTIVITIES.—Any affected Indian tribe or affected unit of local government may not receive any further assistance under this section if the integrated management system activities at such site are terminated by the Secretary or if such activities are permanently enjoined by any court.

"TITLE IV—FUNDING AND ORGANIZATION

"SEC. 401. PROGRAM FUNDING.

"(a) CONTRACTS.—

"(1) AUTHORITY OF SECRETARY.—In the performance of the Secretary's functions under this Act, the Secretary is authorized to enter into contracts with any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for the acceptance of title and possession, transportation, interim storage, and disposal of such spent fuel or waste upon the payment of fees in accordance with paragraphs (2) and (3). Except as provided in paragraph (3), fees assessed pursuant to this paragraph shall be paid to the Treasury of

the United States and shall be available for use by the Secretary pursuant to this section until expended.

"(2) ANNUAL FEES.—

"(A) ELECTRICITY.—

"(i) IN GENERAL.—Under a contract entered into under paragraph (1) there shall be a fee for electricity generated by civilian nuclear power reactors and sold on or after the date of enactment of this Act. The aggregate amount of such fees collected during each fiscal year shall be no greater than the annual level of appropriations for expenditures on the integrated management system for that fiscal year, minus—

"(I) any unobligated balance of fees collected during the previous fiscal year; and

"(II) such appropriations required to be funded by the Federal Government pursuant to section 403.

"(ii) FEE LEVEL.—The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold, except that for the period commencing with fiscal year 1999 and continuing through the fiscal year in which disposal at the repository commences—

"(I) the average annual fee collected under this subparagraph shall not exceed 1.0 mill per-kilowatt hour generated and sold; and

"(II) the fee in any fiscal year in such period shall not exceed 1.5 mill per kilowatt hour generated and sold.

Thereafter, the annual fee collected under this subparagraph shall not exceed 1.0 mill per-kilowatt hour generated and sold. Fees assessed pursuant to this subparagraph shall be paid to the Treasury of the United States and shall be available for use by the Secretary pursuant to this section until expended.

"(B) EXPENDITURES IF SHORTFALL.—If, during any fiscal year, the aggregate amount of fees assessed pursuant to subparagraph (A) is less than the annual level of appropriations for expenditures on those activities specified in subsection (d) for that fiscal year, minus—

"(i) any unobligated balance collected pursuant to this section during the previous fiscal year, and

"(ii) such appropriations required to be funded by the Federal Government pursuant to section 403,

the Secretary may make expenditures from the Nuclear Waste Fund up to the level of appropriations.

"(C) RULES.—The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

"(3) ONE-TIME FEES.—The one-time fees collected under contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 before the date of enactment of this Act on spent nuclear fuel, or high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor before April 7, 1983, shall be paid to the Nuclear Waste Fund. The Secretary shall collect all such fees before the expiration of fiscal year 2002. The Commission shall suspend the license of any licensee who fails or refuses to pay the full amount of the fee referred to in this paragraph and the license shall remain suspended until the full amount of the fee referred to in this paragraph is paid. In paying such a fee, the person delivering such spent nuclear fuel or high-level radioactive wastes, to the Secretary shall have no further financial obligation under this paragraph to the Federal Government for the long-term storage and permanent disposal of such spent nuclear fuel or high-level radioactive waste.

"(b) ADVANCE CONTRACTING REQUIREMENT.—

"(1) IN GENERAL.—

“(A) LICENSE ISSUANCE AND RENEWAL.—The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless—

“(i) such person has entered into a contract under subsection (a) with the Secretary; or

“(ii) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under subsection (a).

“(B) PRECONDITION.—The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of spent nuclear fuel and high-level radioactive waste that may result from the use of such license.

“(2) DISPOSAL IN REPOSITORY.—Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated or owned by any person (other than a department of the United States referred to in section 101 or 102 of title 5, United States Code) may be disposed of by the Secretary in the repository unless the generator or owner of such spent fuel or waste has entered into a contract under subsection (a) with the Secretary by not later than the date on which such generator or owner commences generation of, or takes title to, such spent fuel or waste.

“(3) ASSIGNMENT.—The rights and duties of a party to a contract entered into under this section may be assignable with transfer of title to the spent nuclear fuel or high-level radioactive waste involved.

“(4) DISPOSAL CONDITION.—No spent nuclear fuel or high-level radioactive waste generated or owned by any department of the United States referred to in section 101 or 102 of title 5, United States Code, may be stored or disposed of by the Secretary at the interim storage facility or repository in the integrated management system developed under this Act unless, in each fiscal year, such department funds its appropriate portion of the costs of such storage and disposal as specified in section 403.

“(C) NUCLEAR WASTE FUND.—

“(1) IN GENERAL.—The Nuclear Waste Fund established in the Treasury of the United States under section 302(c) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act and shall consist of—

“(A) all receipts, proceeds, and recoveries realized by the Secretary before the date of enactment of this Act;

“(B) any appropriations made by the Congress before the date of enactment of this Act to the Nuclear Waste Fund;

“(C) all interest paid on amounts invested by the Secretary of the Treasury under paragraph (3)(B); and

“(D) the one-time fees collected pursuant to subsection (a)(3).

“(2) USE.—The Nuclear Waste Fund shall be used only for purposes of the integrated management system.

“(3) ADMINISTRATION OF NUCLEAR WASTE FUND.—

“(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

“(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary deter-

mines to be appropriate, in obligations of the United States—

“(i) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Nuclear Waste Fund; and

“(ii) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

“(C) EXEMPTION.—Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Nuclear Waste Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

“(d) USE OF APPROPRIATED FUNDS.—During each fiscal year, the Secretary may make expenditures of funds collected after the date of enactment of this Act under this section and section 403, up to the level of appropriations for that fiscal year pursuant to subsection (f) only for purposes of the integrated management system.

“(e) PROHIBITION ON USE OF APPROPRIATIONS AND NUCLEAR WASTE FUND.—The Secretary shall not make expenditures of funds collected pursuant to this section or section 403 to design or construct packages for the transportation, storage, or disposal of spent nuclear fuel from civilian nuclear power reactors.

“(f) APPROPRIATIONS.—

“(1) BUDGET.—The Secretary shall submit the budget for implementation of the Secretary's responsibilities under this Act to the Office of Management and Budget triennially along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget shall consist of the estimates made by the Secretary of expenditures under this Act and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the budget of the United States Government.

“(2) APPROPRIATIONS.—Appropriations shall be subject to triennial authorization. During each fiscal year, the Secretary may make expenditures, up to the level of appropriations, out of the funds collected pursuant to this section and section 403, if the Secretary transmits the amounts appropriated for implementation of this Act to the Commission and the Nuclear Waste Technical Review Board in appropriate proportion to the collection of such funds.

“(g) EFFECTIVE DATE.—This section shall take effect October 1, 1998, and section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) shall continue in effect until October 1, 1998.

“SEC. 402. OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

“(a) CONTINUATION OF OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.—The Office of Civilian Radioactive Waste Management established under section 304(a) of the Nuclear Waste Policy Act of 1982 as constituted prior to the date of enactment of this Act, shall continue in effect subsequent to the date of enactment of this Act.

“(b) FUNCTIONS OF DIRECTOR.—The Director of the Office shall be responsible for carrying out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

“(c) AUDITS.—

“(1) STANDARD.—The Office of Civilian Radioactive Waste Management, its contractors, and subcontractors at all tiers, shall

conduct, or have conducted, audits and examinations of their operations in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects consistent with its role in the program.

“(2) TIME.—The management practices and performances of the Office of Civilian Radioactive Waste Management shall be audited every 5 years by an independent management consulting firm with significant experience in similar audits of private corporations engaged in large nuclear construction projects. The first such audit shall be conducted 5 years after the date of enactment of this Act.

“(3) COMPTROLLER GENERAL.—The Comptroller General of the United States shall annually make an audit of the Office, in accordance with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit to the Congress a report on the results of each audit conducted under this section.

“(4) TIME.—No audit contemplated by this subsection shall take longer than 30 days to conduct. An audit report shall be issued in final form no longer than 60 days after the audit is commenced.

“(5) PUBLIC DOCUMENTS.—All audit reports shall be public documents and available to any individual upon request.

“SEC. 403. DEFENSE CONTRIBUTION.

“(a) ALLOCATION.—No later than one year from the date of enactment of this Act, acting pursuant to section 553 of title 5, United States Code, the Secretary shall issue a final rule establishing the appropriate portion of the costs of managing spent nuclear fuel and high-level radioactive waste under this Act allocable to the interim storage or permanent disposal of spent nuclear fuel, high-level radioactive waste from atomic energy defense activities, and spent nuclear fuel from foreign research reactors. The share of costs allocable to the management of spent nuclear fuel, high-level radioactive waste from atomic energy defense activities, and spent nuclear fuel from foreign research reactors shall include—

“(1) an appropriate portion of the costs associated with research and development activities with respect to development of the interim storage facility and repository; and

“(2) interest on the principal amounts due calculated by reference to the appropriate Treasury bill rate as if the payments were made at a point in time consistent with the payment dates for spent nuclear fuel and high-level radioactive waste under the contracts.

“(b) APPROPRIATION REQUEST.—In addition to any request for an appropriation from the Nuclear Waste Fund, the Secretary shall request annual appropriations from general revenues in amounts sufficient to pay the costs of the management of materials described in subsection (a).

“(c) REPORT.—In conjunction with the annual report submitted to Congress under section 702, the Secretary shall advise the Congress annually of the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities, and spent nuclear fuel from foreign research reactors requiring management in the integrated management system.

“(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive

waste from atomic energy defense activities as established under subsection (a).

"TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS"

"SEC. 501. COMPLIANCE WITH OTHER LAWS."

"If the requirements of any law are inconsistent with or duplicative of the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and this Act, the Secretary shall comply only with the requirements of the Atomic Energy Act of 1954 and this Act in implementing the integrated management system. Any requirement of a State or political subdivision of a State is preempted if—

"(1) complying with such requirement and a requirement of this Act is impossible; or

"(2) such requirement, as applied or enforced, is an obstacle to accomplishing or carrying out this Act or a regulation under this Act.

"SEC. 502. WATER RIGHTS."

"(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising under this Act.

"(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities under this Act pursuant to the substantive and procedural requirements of the State of Nevada. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights.

"(c) EXERCISE OF WATER RIGHTS GENERALLY UNDER NEVADA LAWS.—Nothing in this Act shall be construed to limit the exercise of water rights as provided under Nevada State laws.

"SEC. 503. JUDICIAL REVIEW OF AGENCY ACTIONS."

"(a) JURISDICTION OF UNITED STATES COURTS OF APPEALS.—

"(1) ORIGINAL AND EXCLUSIVE JURISDICTION.—Except for review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action—

"(A) for review of any final decision or action of the Secretary, the President, or the Commission under this Act;

"(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;

"(C) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

"(D) for review of any environmental impact statement prepared or environmental assessment made pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement with respect to any such action.

"(2) VENUE.—The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia.

"(b) DEADLINE FOR COMMENCING ACTION.—A civil action for judicial review described under subsection (a)(1) may be brought no later than 180 days after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that the party did not know of the decision or action complained of or of the failure to act, and that a reasonable person acting under the circumstances would not have known of such decision, action, or failure to

act, such party may bring a civil action no later than 180 days after the date such party acquired actual or constructive knowledge of such decision, action, or failure to act.

"(c) APPLICATION OF OTHER LAW.—The provisions of this section relating to any matter shall apply in lieu of the provisions of any other Act relating to the same matter.

"SEC. 504. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS."

"(a) ORAL ARGUMENT.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

"(b) ADJUDICATORY HEARING.—

"(1) DESIGNATION.—At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

"(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

"(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

"(2) DETERMINATION.—In making a determination under this subsection, the Commission—

"(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

"(B) shall not consider—

"(i) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor to which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

"(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless—

"(I) such issue results from any revision of siting or design criteria by the Commission following such decision; and

"(II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

"(3) APPLICATION.—The provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

"(4) CONSTRUCTION.—The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

"(c) JUDICIAL REVIEW.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by the Commission to use a particular procedure pursuant to this section unless—

"(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

"(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

"SEC. 505. SITING A SECOND REPOSITORY."

"(a) CONGRESSIONAL ACTION REQUIRED.—The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

"(b) REPORT.—The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

"SEC. 506. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE."

"(a) FINANCIAL ARRANGEMENTS.—

"(1) STANDARDS AND INSTRUCTIONS.—The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of sites, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal or, in the case of licenses in effect on January 7, 1983, prior to termination of such licenses.

"(2) BONDING, SURETY, OR OTHER FINANCIAL ARRANGEMENTS.—If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary

to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

“(b) TITLE AND CUSTODY.—

“(1) AUTHORITY OF SECRETARY.—The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issued by the Commission for such disposal, if the Commission determines that—

“(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

“(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

“(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

“(2) PROTECTION.—If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

“(c) SPECIAL SITES.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site.

“SEC. 507. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

“The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear powerplant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear powerplant operator licenses and for operator requalification programs; requirements governing Commission administration of requalification examinations; requirements for operating tests at civilian nuclear powerplant simulators, and instructional requirements for civilian nuclear powerplant licensee personnel training programs.

“SEC. 508. ACCEPTANCE SCHEDULE.

“The acceptance schedule shall be implemented in accordance with the following:

“(1) PRIORITY RANKING.—Acceptance priority ranking shall be determined by the Department’s ‘Acceptance Priority Ranking’ report.

“(2) ACCEPTANCE RATE.—Except as provided in paragraph (5), the Secretary’s acceptance rate for spent nuclear fuel shall be no less than the following: 1,200 MTU in 2002 and 1,200 MTU in 2003, 2,000 MTU in 2004 and 2,000 MTU in 2005, 2,700 MTU in 2006, and 3,000 MTU thereafter.

“(3) OTHER ACCEPTANCES.—In each year, once the Secretary has achieved the annual acceptance rate for spent nuclear fuel from civilian nuclear power reactors established pursuant to the contracts executed under the Nuclear Waste Policy Act of 1982 (as set forth in the Secretary’s annual capacity report dated March 1995 (DOE/RW-0457)), the Secretary—

“(A) shall accept from spent nuclear fuel from foreign research reactors and spent nuclear fuel from naval reactors and high-level radioactive waste from atomic energy defense activities, an amount of spent nuclear fuel and high-level radioactive waste which is—

“(i) at least 25 percent of the difference between such annual acceptance rate and the annual rate specified in paragraph (2), or

“(ii) 5 percent of the total amount of spent nuclear fuel and high-level radioactive waste actually accepted, whichever is higher. If such amount is less than the rate prescribed in the preceding sentence, the Secretary shall accept spent nuclear fuel or high-level radioactive waste of domestic origin from civilian nuclear power reactors which have permanently ceased operation; and

“(B) may, additionally, accept any other spent nuclear fuel or high-level radioactive waste.

“(4) EXCEPTION.—If the annual rate under the acceptance schedule is not achieved, the acceptance rate of the Secretary of the materials described in paragraph (3)(A) shall be the greater of the acceptance rate prescribed by paragraph (3) and calculated on the basis of the amount of spent nuclear fuel and high-level radioactive waste actually received or 5 percent of the total amount of spent nuclear fuel and high-level radioactive waste actually accepted.

“(5) ADJUSTMENT.—If the Secretary is unable to begin acceptance by January 31, 2002 at the rate specified in paragraph (2) or if the cumulative amount accepted in any year thereafter is less than that which would have been accepted under the rate specified in paragraph (2), the acceptance schedule shall, to the extent practicable, be adjusted upward such that within 5 years of the start of acceptance by the Secretary—

“(A) the total quantity accepted by the Secretary is consistent with the total quantity that the Secretary would have accepted if the Secretary had begun acceptance in 2002; and

“(B) thereafter the acceptance rate is equivalent to the rate that would be in place pursuant to paragraph (2) if the Secretary had commenced acceptance in 2002.

“(6) EFFECT ON SCHEDULE.—The acceptance schedule shall not be affected or modified in any way as a result of the Secretary’s acceptance of any material other than contract holders’ spent nuclear fuel and high-level radioactive waste.

“SEC. 509. SUBSEAED OR OCEAN WATER DISPOSAL.

“Notwithstanding any other provision of law—

“(1) the subseamed or ocean water disposal of spent nuclear fuel or high-level radioactive waste is prohibited; and

“(2) no funds shall be obligated for any activity relating to the subseamed or ocean water disposal of spent nuclear fuel or high-level radioactive waste.

“SEC. 510. SEPARABILITY.

“If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

“SEC. 511. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

“(a) IN GENERAL.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

“(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made

available under this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

“(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ‘Made in America’ inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available under this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

“TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

“SEC. 601. DEFINITIONS.

“For purposes of this title—

“(1) CHAIRMAN.—The term ‘Chairman’ means the Chairman of the Nuclear Waste Technical Review Board.

“(2) BOARD.—The term ‘Board’ means the Nuclear Waste Technical Review Board continued under section 602.

“SEC. 602. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

“(a) CONTINUATION OF NUCLEAR WASTE TECHNICAL REVIEW BOARD.—The Nuclear Waste Technical Review Board, established under section 502(a) of the Nuclear Waste Policy Act of 1982 as constituted prior to the date of enactment of this Act, shall continue in effect subsequent to the date of enactment of this Act.

“(b) MEMBERS.—

“(1) NUMBER.—The Board shall consist of 11 members who shall be appointed by the President not later than 90 days after December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

“(2) CHAIR.—The President shall designate a member of the Board to serve as Chairman.

“(3) NATIONAL ACADEMY OF SCIENCES.—

“(A) NOMINATIONS.—The National Academy of Sciences shall, not later than 90 days after December 22, 1987, nominate not less than 22 persons for appointment to the Board from among persons who meet the qualifications described in subparagraph (C).

“(B) VACANCIES.—The National Academy of Sciences shall nominate not less than 2 persons to fill any vacancy on the Board from among persons who meet the qualifications described in subparagraph (C).

“(C) NOMINEES.—

“(i) Each person nominated for appointment to the Board shall be—

“(I) eminent in a field of science or engineering, including environmental sciences; and

“(II) selected solely on the basis of established records of distinguished service.

“(ii) The membership of the Board shall be representatives of the broad range of scientific and engineering disciplines related to activities under this title.

“(iii) No person shall be nominated for appointment to the Board who is an employee of—

“(I) the Department of Energy;

“(II) a national laboratory under contract with the Department of Energy; or

“(III) an entity performing spent nuclear fuel or high-level radioactive waste activities under contract with the Department of Energy.

“(4) VACANCIES.—Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraphs (1) and (3).

"(5) TERMS.—Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment, except that a member of the Board whose term has expired may continue to serve as a member of the Board until such member's successor has taken office.

"SEC. 603. FUNCTIONS.

"The Board shall evaluate the technical and scientific validity of activities undertaken by the Secretary after December 22, 1987, including—

- "(1) site characterization activities; and
- "(2) activities relating to the packaging or transportation of spent nuclear fuel or high-level radioactive waste.

"SEC. 604. INVESTIGATORY POWERS.

"(a) HEARINGS.—Upon request of the Chairman or a majority of the members of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

"(b) PRODUCTION OF DOCUMENTS.—

"(1) RESPONSE TO INQUIRIES.—Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information as may be necessary to respond to any inquiry of the Board under this title.

"(2) EXTENT.—Subject to existing law, information obtainable under paragraph (1) shall not be limited to final work products of the Secretary, but shall include drafts of such products and documentation of work in progress.

"SEC. 605. COMPENSATION OF MEMBERS.

"(a) IN GENERAL.—Each member of the Board shall, subject to appropriations, be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

"(b) TRAVEL EXPENSES.—Each member of the Board may receive travel expenses, including per diem in lieu of subsistence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

"SEC. 606. STAFF.

"(a) CLERICAL STAFF.—

"(1) AUTHORITY OF CHAIRMAN.—Subject to paragraph (2), the Chairman may, subject to appropriations, appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

"(2) PROVISIONS OF TITLE 5.—Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

"(b) PROFESSIONAL STAFF.—

"(1) AUTHORITY OF CHAIRMAN.—Subject to paragraphs (2) and (3), the Chairman may, subject to appropriations, appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

"(2) NUMBER.—Not more than 10 professional staff members may be appointed under this subsection.

"(3) TITLE 5.—Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive

service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

"SEC. 607. SUPPORT SERVICES.

"(a) GENERAL SERVICES.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

"(b) ACCOUNTING, RESEARCH, AND TECHNOLOGY ASSESSMENT SERVICES.—The Comptroller General, the Librarian of Congress, and the Director of the Office of Technology Assessment shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services, including staff, as may be necessary for the effective performance of the functions of the Board.

"(c) ADDITIONAL SUPPORT.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

"(d) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(e) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Board, the Chairman may, subject to appropriations, procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

"SEC. 608. REPORT.

"The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations.

"SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for expenditures such sums as may be necessary to carry out the provisions of this title.

"SEC. 610. TERMINATION OF THE BOARD.

"The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository.

"TITLE VII—MANAGEMENT REFORM

"SEC. 701. MANAGEMENT REFORM INITIATIVES.

"(a) IN GENERAL.—The Secretary is directed to take actions as necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, to the maximum extent practicable, in like manner as a private business.

"(b) SITE CHARACTERIZATION.—The Secretary shall employ, on an on-going basis, integrated performance modeling to identify appropriate parameters for the remaining site characterization effort and to eliminate studies of parameters that are shown not to affect long-term repository performance.

"SEC. 702. REPORTING.

"(a) INITIAL REPORT.—Within 180 days of the date of enactment of this Act, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include—

"(1) an analysis of the Secretary's progress in meeting its statutory and contractual obligation to accept title to, possession of, and

delivery of spent nuclear fuel and high-level radioactive waste beginning no later than January 31, 2002, and in accordance with the acceptance schedule;

"(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary's obligations under this Act and the contracts;

"(3) a detailed description of the Secretary's contingency plans in the event that the Secretary is unable to meet the planned schedule and timeline; and

"(4) an analysis by the Secretary of its funding needs for fiscal years 1996 through 2001.

"(b) ANNUAL REPORTS.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make annual reports to the Congress for the purpose of updating the information contained in such report. The annual reports shall be brief and shall notify the Congress of—

"(1) any modifications to the Secretary's schedule and timeline for meeting its obligations under this Act;

"(2) the reasons for such modifications, and the status of the implementation of any of the Secretary's contingency plans; and

"(3) the Secretary's analysis of its funding needs for the ensuing 5 fiscal years."

SEC. 2. CONTINUATION OF CONTRACTS.

Subsequent to the date of enactment of this Act, the contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act in accordance with their terms except to the extent that the contracts have been modified by the parties to the contract.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. MARKEY moved to recommit the bill to the Committee on Commerce with instructions to report the bill back to the House forthwith with the following amendment:

Page 23, line 3, after the period insert "Contractors transporting spent nuclear fuel or high-level radioactive waste under any such contract shall not be indemnified under section 170d of the Atomic Energy Act of 1954 for any liability resulting from negligence, gross negligence, or willful misconduct in connection with such transportation."

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. HAYWORTH, announced that the nays had it.

Mr. MARKEY demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 142
negative } Nays 283

¶123.29

[Roll No. 556]

AYES—142

Abercrombie	Blagojevich	Carson
Ackerman	Blumenauer	Clay
Andrews	Borski	Clayton
Baessler	Boswell	Conyers
Barrett (WI)	Brown (CA)	Coyne
Becerra	Brown (FL)	Cummings
Bentsen	Brown (OH)	Davis (IL)
Berman	Cardin	DeFazio

DeGette
Delahunt
DeLauro
Dellums
Dingell
Dixon
Doggett
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Filner
Flake
Furse
Gejdenson
Gephardt
Gibbons
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hooley
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kind (WI)

Klecza
Klink
Kucinich
LaFalce
Lampson
Lantos
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKeon
McKinney
McNulty
Meehan
Meek
Millender-
McDonald
Miller (CA)
Mink
Moakley
Nadler
Neal
Ney
Oberstar
Obey
Owens
Pallone
Pascrell
Paul
Payne

Pelosi
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schumer
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (NJ)
Smith, Adam
Souder
Stark
Stokes
Strickland
Talent
Tauscher
Thompson
Thurman
Tierney
Torres
Velazquez
Vento
Visclosky
Waters
Waxman
Weygand
Wolf
Woolsey
Yates

Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn

Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder

Solomon
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Towns
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wynn
Young (AK)
Young (FL)

Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio

Leach
Levin
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Redmond
Regula
Riggs
Riley
Rodriguez
Rogan
Rogers

Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watt (NC)
Watts (OK)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOES—283

Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane

Crapo
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger

Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
Menendez
Metcalf

Bonior
Cubin
Foglietta

NOT VOTING—7

Gonzalez
Schiff
Weldon (PA)
Weldon (FL)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,
Will the House pass said bill?

The SPEAKER pro tempore, Mr. HAYWORTH, announced that the yeas had it.

Mr. MARKEY demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 307
affirmative { Nays 120

¶123.30

[Roll No. 557]

AYES—307

Aderholt
Allen
Archer
Armey
Burton
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)

Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)

Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Everett
Ewing
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)

Abercrombie
Ackerman
Andrews
Baesler
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Bonilla
Boswell
Brown (CA)
Carson
Clay
Condit
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dixon
Doggett
English
Ensign

NOES—120

Eshoo
Evans
Farr
Filner
Foglietta
Furse
Gephardt
Gibbons
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Herger
Hinchey
Hooley
Jackson (IL)
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Klecza
Kucinich
LaFalce
Lampson
Lantos

Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Lucas
Markey
Martinez
McDermott
McGovern
McHale
McIntosh
McKeon
McKinney
McNulty
Meehan
Millender-
McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Nadler
Ney
Owens
Pallone
Pascrell
Paul
Payne

Pease	Sanders	Tauscher
Pelosi	Schumer	Tierney
Pombo	Serrano	Torres
Radanovich	Shays	Velazquez
Rahall	Sherman	Waters
Rangel	Skaggs	Watkins
Reyes	Slaughter	Waxman
Rivers	Smith (NJ)	Weygand
Roemer	Smith, Adam	Wise
Rothman	Souder	Woolsey
Roybal-Allard	Stark	Yates
Sabo	Stokes	
Sanchez	Talent	

NOT VOTING—6

Coburn	Gonzalez	Weldon (FL)
Cubin	Schiff	Weldon (PA)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

123.31 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. DAN SCHAEFER OF COLORADO, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections, including corrections in spelling, punctuation, section numbering, and cross-referencing.

123.32 PRIVILEGES OF THE HOUSE

Mr. MENENDEZ rose to a question of the privileges of the House and submitted the following resolution (H. Res. 290):

Whereas Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the allegations made by Mr. Robert Dornan have been found to be largely without merit, including his charges of improper voting from a business, rather than a residential address; underage voting; double voting; and charges of unusually large numbers of individuals voting from the same address. It was found that those accused of voting from the same address included a Marines Barracks and the domicile of nuns; that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana Zoo; that duplicate voting was by different individuals; and that those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the privacy rights of United States citizens have been violated by the Committee's improper use of those INS records;

Whereas the INS itself has questioned the validity and accuracy of the Committee's use of INS documents;

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the

District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and have all the information they need regarding who voted in the 46th District and all the information they need to make a judgment concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to produce or present any credible evidence sufficient to change the outcome of the election of Congresswoman Sanchez and is now, in place of producing such credible evidence, pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has after nearly one year not shown or provided any credible evidence sufficient to demonstrate that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it:

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore, Mr. HEFLEY, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. SOLOMON moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. HEFLEY, announced that the yeas had it.

Mr. MENENDEZ demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	212
	Nays	198
	Answered present	3

123.33

[Roll No. 558]

AYES—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Biley
Blunt
Boehlert
Boehner
Bonilla

Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble

Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
Diaz-Balart
Dickey
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English

Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe

LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley

Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—198

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell

Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur

Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-
McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver

Ortiz	Sanders	Tauscher
Owens	Sandlin	Taylor (MS)
Pallone	Sawyer	Thompson
Pascarell	Schumer	Thurman
Pastor	Scott	Tierney
Pelosi	Serrano	Torres
Peterson (MN)	Sherman	Towns
Pickett	Sisisky	Turner
Pomeroy	Skaggs	Velazquez
Poshard	Skelton	Vento
Price (NC)	Slaughter	Visclosky
Rahall	Smith, Adam	Waters
Rangel	Snyder	Watt (NC)
Reyes	Spratt	Waxman
Rivers	Stabenow	Wexler
Rodriguez	Stark	Weygand
Roemer	Stenholm	Wise
Rothman	Stokes	Woolsey
Roybal-Allard	Strickland	Wynn
Rush	Stupak	Yates
Sabo	Tanner	

ANSWERED "PRESENT"—3

Coburn	Sanchez	Souder
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NOT VOTING—19

Barr	Houghton	Payne
Cubin	Klecza	Schiff
DeLay	Leach	Weldon (FL)
Doolittle	Manton	Weldon (PA)
Foglietta	McHale	Young (AK)
Gekas	Meek	
Gonzalez	Metcalfe	

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶123.34 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

¶123.35 PRIVILEGES OF THE HOUSE

Ms. ROYBAL-ALLARD rose to a question of the privileges of the House and submitted the following resolution (H. Res. 291):

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California has met only on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit; charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Commit-

tee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore, Mr. HEFLEY, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. SOLOMON moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. HEFLEY, announced that the yeas had it.

Ms. ROYBAL-ALLARD demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative	{	Yeas	216
		Nays	200
		Answered	
		present	3

¶123.36 [Roll No. 559]

AYES—216

Aderholt	Bunning	Cunningham
Archer	Burr	Davis (VA)
Armey	Burton	Deal
Bachus	Buyer	DeLay
Baker	Callahan	Diaz-Balart
Ballenger	Calvert	Dickey
Barr	Camp	Doolittle
Barrett (NE)	Campbell	Dreier
Bartlett	Canady	Duncan
Barton	Cannon	Dunn
Bass	Castle	Ehlers
Bateman	Chabot	Ehrlich
Bereuter	Chambliss	Emerson
Bilbray	Chenoweth	English
Bilirakis	Christensen	Ensign
Bliley	Coble	Everett
Blunt	Collins	Ewing
Boehert	Combest	Fawell
Boehner	Cook	Foley
Bonilla	Cooksey	Fowler
Brady	Crane	Fox
Bryant	Crapo	Franks (NJ)

Frelinghuysen	Leach	Rogers
Gallely	Lewis (CA)	Rohrabacher
Ganske	Lewis (KY)	Ros-Lehtinen
Gekas	Linder	Roukema
Gibbons	Livingston	Royce
Gilchrist	LoBiondo	Ryun
Gillmor	Lucas	Salmon
Gilman	Manzullo	Sanford
Goodlatte	McCollum	Saxton
Goodling	McCrery	Scarborough
Goss	McDade	Schaefer, Dan
Graham	McHugh	Schaffer, Bob
Granger	McInnis	Sensenbrenner
Greenwood	McIntosh	Sessions
Gutknecht	McKeon	Shaw
Hansen	Metcalfe	Shays
Hastert	Mica	Shimkus
Hastings (WA)	Miller (FL)	Shuster
Hayworth	Moran (KS)	Skeen
Hefley	Morella	Smith (MI)
Herger	Myrick	Smith (NJ)
Hill	Nethercutt	Smith (OR)
Hilleary	Neumann	Smith (TX)
Hobson	Ney	Smith, Linda
Hoekstra	Northup	Snowbarger
Horn	Norwood	Solomon
Hostettler	Nussle	Spence
Hulshof	Oxley	Stearns
Hunter	Packard	Stump
Hutchinson	Pappas	Sununu
Hyde	Parker	Talent
Inglis	Paul	Tauzin
Istook	Paxon	Taylor (NC)
Jenkins	Pease	Thomas
Johnson (CT)	Peterson (PA)	Thornberry
Johnson, Sam	Petri	Thune
Jones	Pickering	Tiahrt
Kasich	Pitts	Trafficant
Kelly	Pombo	Upton
Kim	Porter	Walsh
King (NY)	Portman	Wamp
Kingston	Pryce (OH)	Watkins
Klug	Quinn	Watts (OK)
Knollenberg	Radanovich	Weller
Kolbe	Ramstad	White
LaHood	Redmond	Whitfield
Largent	Regula	Wicker
Latham	Riggs	Wolf
LaTourette	Riley	Young (AK)
Lazio	Rogan	Young (FL)

NOES—200

Abercrombie	Doggett	Kildee
Ackerman	Dooley	Kilpatrick
Allen	Doyle	Kind (WI)
Andrews	Edwards	Klecza
Baessler	Engel	Klink
Baldacci	Eshoo	Kucinich
Barcia	Etheridge	LaFalce
Barrett (WI)	Evans	Lampson
Becerra	Farr	Lantos
Bentsen	Fattah	Levin
Berman	Fazio	Lewis (GA)
Berry	Filner	Lipinski
Bishop	Flake	Lofgren
Blagojevich	Forbes	Lowe
Blumenauer	Ford	Luther
Bonior	Frank (MA)	Maloney (CT)
Bono	Frost	Maloney (NY)
Borski	Furse	Markey
Boswell	Gejdenson	Martinez
Boucher	Gephardt	Mascara
Boyd	Goode	Matsui
Brown (CA)	Gordon	McCarthy (MO)
Brown (FL)	Green	McCarthy (NY)
Brown (OH)	Gutierrez	McDermott
Cardin	Hall (OH)	McGovern
Carson	Hall (TX)	McHale
Clay	Hamilton	McIntyre
Clayton	Harman	McKinney
Clement	Hastings (FL)	McNulty
Clyburn	Hefner	Meehan
Condit	Hilliard	Meek
Conyers	Hinchey	Menendez
Costello	Hinojosa	Millender
Coyne	Holden	McDonald
Cramer	Hooley	Miller (CA)
Cummings	Hoyer	Minge
Danner	Jackson (IL)	Mink
Davis (FL)	Jackson-Lee	Mollohan
Davis (IL)	(TX)	Moran (VA)
DeFazio	Jefferson	Murtha
DeGette	John	Nadler
Delahunt	Johnson (WI)	Neal
DeLauro	Johnson, E.B.	Oberstar
Dellums	Kanjorski	Obey
Deutsch	Kaptur	Olver
Dicks	Kennedy (MA)	Ortiz
Dingell	Kennedy (RI)	Owens
Dixon	Kennelly	Pallone

Pascrell	Sawyer	Taylor (MS)
Pastor	Schumer	Thompson
Pelosi	Scott	Thurman
Peterson (MN)	Serrano	Tierney
Pickett	Sherman	Torres
Pomeroy	Sisisky	Towns
Poshard	Skaggs	Turner
Price (NC)	Skelton	Velazquez
Rahall	Slaughter	Vento
Rangel	Smith, Adam	Visclosky
Reyes	Snyder	Waters
Rivers	Spratt	Watt (NC)
Rodriguez	Stabenow	Waxman
Roemer	Stark	Wexler
Rothman	Stenholm	Weygand
Roybal-Allard	Stokes	Wise
Rush	Strickland	Woolsey
Sabo	Stupak	Wynn
Sanders	Tanner	
Sandlin	Tauscher	

ANSWERED "PRESENT"—3

Coburn	Sanchez	Shadegg
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NOT VOTING—13

Cox	Manton	Weldon (FL)
Cubin	Moakley	Weldon (PA)
Foglietta	Payne	Yates
Gonzalez	Schiff	
Houghton	Souder	

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

123.37 PRIVILEGES OF THE HOUSE

Ms. NORTON rose to a question of the privileges of the House and submitted the following resolution (H. Res. 292):

Whereas, Loretta Sanchez has been duly elected to represent the 46th District of California; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met only on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore, Mr. HEFLEY, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. SOLOMON moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. HEFLEY, announced that the yeas had it.

Ms. NORTON demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative	{	Yeas	214
		Nays	187
		Answered present	4

123.38

[Roll No. 560]

AYES—214

Aderholt	Campbell	Emerson
Archer	Canady	English
Armey	Cannon	Ensign
Bachus	Castle	Everett
Baker	Chabot	Ewing
Ballenger	Chambliss	Fawell
Barr	Chenoweth	Foley
Bartlett	Christensen	Fowler
Barton	Coble	Fox
Bass	Collins	Franks (NJ)
Bateman	Combest	Frelinghuysen
Bilbray	Cook	Gallegly
Bilirakis	Cooksey	Ganske
Bliley	Crane	Gekas
Blunt	Crapo	Gibbons
Boehlert	Cunningham	Gilchrest
Boehner	Davis (VA)	Gillmor
Bonilla	Deal	Gilman
Bono	DeLay	Goodlatte
Brady	Diaz-Balart	Goodling
Bryant	Dickey	Goss
Bunning	Doolittle	Graham
Burr	Dreier	Granger
Buyer	Duncan	Greenwood
Callahan	Dunn	Gutknecht
Calvert	Ehlers	Hansen
Camp	Ehrlich	Hastert

Hastings (WA)	McHugh	Salmon
Hayworth	McInnis	Sanford
Hefley	McIntosh	Saxton
Herger	McKeon	Scarborough
Hill	Metcalf	Schaefer, Dan
Hilleary	Mica	Schaffer, Bob
Hobson	Miller (FL)	Sensenbrenner
Hoekstra	Moran (KS)	Sessions
Horn	Morella	Shaw
Hostettler	Myrick	Shays
Houghton	Nethercutt	Shimkus
Hulshof	Neumann	Shuster
Hunter	Ney	Skeen
Hutchinson	Northup	Smith (MI)
Hyde	Norwood	Smith (NJ)
Inglis	Nussle	Smith (OR)
Istook	Oxley	Smith (TX)
Jenkins	Packard	Smith, Linda
Johnson (CT)	Pappas	Snowbarger
Johnson, Sam	Parker	Solomon
Jones	Paul	Spence
Kasich	Paxon	Stearns
Kelly	Pease	Stump
Kim	Peterson (PA)	Sununu
King (NY)	Petri	Talent
Kingston	Pickering	Tauzin
Klug	Pitts	Taylor (NC)
Knollenberg	Pombo	Thomas
Kolbe	Porter	Thornberry
LaHood	Portman	Thune
Largent	Pryce (OH)	Tiahrt
Latham	Quinn	Traficant
LaTourette	Radanovich	Upton
Lazio	Ramstad	Walsh
Leach	Redmond	Watkins
Lewis (CA)	Regula	Watts (OK)
Lewis (KY)	Riggs	Weller
Linder	Riley	White
Livingston	Rogan	Whitfield
LoBiondo	Rogers	Wicker
Lucas	Rohrabacher	Wolf
Manzullo	Ros-Lehtinen	Young (AK)
McCollum	Roukema	Young (FL)
McCrery	Royce	
McDade	Ryun	

NOES—187

Abercrombie	Farr	Lowey
Ackerman	Fattah	Luther
Allen	Fazio	Maloney (CT)
Andrews	Filner	Markey
Baessler	Flake	Martinez
Baldacci	Forbes	Mascara
Barcia	Ford	Matsui
Barrett (WI)	Frank (MA)	McCarthy (MO)
Becerra	Frost	McCarthy (NY)
Bentsen	Furse	McDermott
Berman	Gejdenson	McGovern
Berry	Gephardt	McHale
Bishop	Goode	McIntyre
Blagojevich	Gordon	McKinney
Blumenauer	Green	McNulty
Bonior	Gutierrez	Meehan
Borski	Hall (OH)	Menendez
Boswell	Hall (TX)	Miller (CA)
Boucher	Hamilton	Minge
Boyd	Harman	Mink
Brown (CA)	Hastings (FL)	Mollohan
Brown (FL)	Hefner	Moran (VA)
Brown (OH)	Hilliard	Murtha
Cardin	Hinchey	Nadler
Carson	Hinojosa	Neal
Clay	Holden	Oberstar
Clement	Hooley	Obey
Clyburn	Hoyer	Olver
Condit	Jackson (IL)	Ortiz
Conyers	Jackson-Lee	Pascrell
Costello	(TX)	Pastor
Coyne	Jefferson	Peterson (MN)
Cramer	John	Pickett
Cummings	Johnson (WI)	Pomeroy
Danner	Johnson, E. B.	Poshard
Davis (IL)	Kanjorski	Price (NC)
DeFazio	Kaptur	Rahall
DeGette	Kennedy (MA)	Reyes
Delahunt	Kennedy (RI)	Rivers
DeLauro	Kennelly	Rodriguez
Dellums	Kildee	Roemer
Deutsch	Kilpatrick	Rothman
Dicks	Kind (WI)	Roybal-Allard
Dingell	Klecza	Rush
Dixon	Klink	Sabo
Doggett	Kucinich	Sanders
Dooley	LaFalce	Sandlin
Doyle	Lampson	Sawyer
Edwards	Lantos	Schumer
Engel	Levin	Scott
Eshoo	Lewis (GA)	Serrano
Etheridge	Lipinski	Sherman
Evans	Lofgren	Sisisky

Skaggs	Strickland	Velazquez
Skelton	Stupak	Vento
Slaughter	Tanner	Visclosky
Smith, Adam	Tauscher	Waters
Snyder	Thompson	Watt (NC)
Spratt	Thurman	Wexler
Stabenow	Tierney	Weygand
Stark	Torres	Wise
Stenholm	Towns	Wynn
Stokes	Turner	

ANSWERED "PRESENT"—4

Coburn	Shadegg
Sanchez	Wamp

NOT VOTING—27

Barrett (NE)	Manton	Schiff
Bereuter	Meek	Souder
Burton	Millender-	Taylor (MS)
Clayton	McDonald	Waxman
Cox	Moakley	Weldon (FL)
Cubin	Owens	Weldon (PA)
Davis (FL)	Pallone	Woolsey
Foglietta	Payne	Yates
Gonzalez	Pelosi	
Maloney (NY)	Rangel	

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶123.39 PRIVILEGES OF THE HOUSE

Mr. CONDIT rose to a question of the privileges of the House and submitted the following resolution (H. Res. 293):

Whereas Loretta Sanchez was issued a certificate of election as the elected Member of Congress from the 46th District of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas a Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26th, 1997 in Washington, D.C. on April 19th, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas or review; and

Whereas, the Committee on the House Oversight should complete its review of this matter and bring the matter forward for the House of Representatives to vote upon and now therefore be it:

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore, Mr. HEFLEY, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. SOLOMON moved to lay the resolution on the table.

The question being put, viva voce, Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. HEFLEY, announced that the yeas had it.

Mr. CONDIT demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative	{	Yeas	212
		Nays	190
		Answered present	4

¶123.40

[Roll No. 561]

AYES—212

Aderholt	Gilman	Pappas
Archer	Goodlatte	Parker
Bachus	Goodling	Paul
Baker	Goss	Paxon
Ballenger	Graham	Pease
Barr	Granger	Peterson (PA)
Bartlett	Greenwood	Petri
Barton	Gutknecht	Pickering
Bass	Hansen	Pitts
Bateman	Hastert	Pombo
Bereuter	Hastings (WA)	Porter
Bilbray	Hayworth	Portman
Bilirakis	Hefley	Pryce (OH)
Bliley	Herger	Quinn
Blunt	Hill	Radanovich
Boehlert	Hilleary	Ramstad
Boehner	Hobson	Redmond
Bonilla	Hoekstra	Regula
Bono	Horn	Riggs
Brady	Hostettler	Riley
Bryant	Houghton	Rogan
Bunning	Hulshof	Rogers
Burr	Hunter	Rohrabacher
Burton	Hutchinson	Ros-Lehtinen
Buyer	Hyde	Roukema
Callahan	Inglis	Royce
Calvert	Istook	Ryun
Camp	Jenkins	Salmon
Campbell	Johnson (CT)	Sanford
Canady	Johnson, Sam	Saxton
Cannon	Jones	Scarborough
Castle	Kasich	Schaefer, Dan
Chabot	Kelly	Schaffer, Bob
Chambliss	Kim	Sensenbrenner
Chenoweth	King (NY)	Sessions
Christensen	Kingston	Shaw
Coble	Klug	Shays
Collins	Knollenberg	Shimkus
Combest	Kolbe	Shuster
Cook	LaHood	Skeen
Cooksey	Largent	Smith (MI)
Cox	Latham	Smith (NJ)
Crane	LaTourette	Smith (OR)
Cunningham	Lazio	Smith (TX)
Davis (VA)	Leach	Smith, Linda
Deal	Lewis (CA)	Snowbarger
DeLay	Lewis (KY)	Solomon
Diaz-Balart	Linder	Spence
Dickey	Livingston	Stearns
Doolittle	LoBiondo	Stump
Dreier	Lucas	Sununu
Duncan	Manzullo	Talent
Dunn	McCollum	Tauzin
Ehlers	McCrery	Taylor (NC)
Ehrlich	McDade	Thomas
Emerson	McHugh	Thornberry
English	McKeon	Thune
Ensign	Metcalf	Tiahrt
Everett	Mica	Traficant
Ewing	Miller (FL)	Upton
Fawell	Moran (KS)	Walsh
Fowler	Morella	Watkins
Fox	Myrick	Watts (OK)
Franks (NJ)	Nethercutt	Weller
Frelinghuysen	Neumann	White
Galleghy	Ney	Whitfield
Ganske	Northup	Wicker
Gekas	Norwood	Wolf
Gibbons	Nussle	Young (AK)
Gilchrist	Oxley	Young (FL)
Gillmor	Packard	

NOES—190

Abercrombie	Allen	Baessler
Ackerman	Andrews	Baldacci

Barcia	Green	Murtha
Barrett (WI)	Gutierrez	Nadler
Becerra	Hall (OH)	Neal
Bentsen	Hall (TX)	Oberstar
Berman	Hamilton	Obey
Berry	Harman	Olver
Bishop	Hastings (FL)	Ortiz
Blagojevich	Hefner	Pallone
Blumenauer	Hilliard	Pascarell
Bonior	Hinchey	Pastor
Borski	Hinojosa	Pelosi
Boswell	Holden	Peterson (MN)
Boucher	Hooley	Pickett
Boyd	Hoyer	Pomeroy
Brown (CA)	Jackson (IL)	Poshard
Brown (FL)	Jackson-Lee	Price (NC)
Brown (OH)	(TX)	Rahall
Cardin	Jefferson	Reyes
Carson	John	Rivers
Clay	Johnson (WI)	Rodriguez
Clayton	Johnson, E. B.	Roemer
Clement	Kanjorski	Rothman
Clyburn	Kaptur	Roybal-Allard
Condit	Kennedy (MA)	Rush
Conyers	Kennedy (RI)	Sabo
Costello	Kennelly	Sanders
Coyne	Kildee	Sandlin
Cramer	Kilpatrick	Sawyer
Cummings	Kind (WI)	Scott
Danner	Klecza	Serrano
Davis (FL)	Klink	Sherman
Davis (IL)	Kucinich	Sisisky
DeFazio	LaFalce	Skaggs
DeGette	Lampson	Skelton
Delahunt	Lantos	Slaughter
DeLauro	Levin	Smith, Adam
Dellums	Lewis (GA)	Snyder
Deutsch	Lipinski	Spratt
Dicks	Lofgren	Stabenow
Dingell	Lowe	Stark
Dixon	Luther	Stenholm
Doggett	Maloney (CT)	Stokes
Doyle	Maloney (NY)	Strickland
Edwards	Markey	Stupak
Engel	Masara	Tanner
Eshoo	Matsui	Tauscher
Etheridge	McCarthy (MO)	Thompson
Evans	McCarthy (NY)	Thurman
Farr	McDermott	Tierney
Fattah	McGovern	Torres
Fazio	McHale	Towns
Filner	McIntyre	Turner
Flake	McKinney	Velazquez
Forbes	McNulty	Vento
Ford	Meehan	Visclosky
Frank (MA)	Meek	Waters
Frost	Millender-	Watt (NC)
Furse	McDonald	Wexler
Gejdenson	Miller (CA)	Weygand
Gephardt	Minge	Wise
Goode	Mink	Woolsey
Gordon	Mollohan	Wynn

ANSWERED "PRESENT"—4

Coburn	Taylor (MS)
Shadegg	Wamp

NOT VOTING—26

Arney	Martinez	Sanchez
Barrett (NE)	McInnis	Schiff
Crapo	McIntosh	Schumer
Cubin	Menendez	Souder
Dooley	Moakley	Waxman
Foglietta	Moran (VA)	Weldon (FL)
Foley	Owens	Weldon (PA)
Gonzalez	Payne	Yates
Manton	Rangel	

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶123.41 PRIVILEGES OF THE HOUSE

Mr. BECERRA rose to a question of the privileges of the House and submitted the following resolution (H. Res. 294):

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore, Mr. HEFLEY, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. SOLOMON moved to lay the resolution on the table.

The question being put, viva voce, Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. HEFLEY, announced that the yeas had it.

Mr. BECERRA demanded a recorded vote on agreeing to said motion, which

demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative
Yeas 217
Nays 193
Answered present 4

¶123.42

[Roll No. 562]

AYES—217

Aderholt	Gillmor	Pappas
Archer	Gilman	Parker
Armey	Goodlatte	Paul
Bachus	Goodling	Paxon
Baker	Goss	Pease
Ballenger	Graham	Peterson (PA)
Barr	Granger	Petri
Bartlett	Greenwood	Pickering
Barton	Pitts	Gutknecht
Bass	Hansen	Pombo
Bateman	Hastert	Porter
Bereuter	Hastings (WA)	Portman
Bilbray	Hayworth	Pryce (OH)
Bilirakis	Hefley	Quinn
Bliley	Herger	Radanovich
Blunt	Hill	Ramstad
Boehlert	Hilleary	Redmond
Boehner	Hobson	Regula
Bonilla	Hoekstra	Riggs
Bono	Horn	Riley
Brady	Hostettler	Rogan
Bryant	Houghton	Rogers
Bunning	Hulshof	Rohrabacher
Burr	Hunter	Ros-Lehtinen
Burton	Hutchinson	Roukema
Buyer	Hyde	Royce
Callahan	Inglis	Ryun
Calvert	Istook	Salmon
Camp	Jenkins	Sanford
Campbell	Johnson (CT)	Saxton
Canady	Johnson, Sam	Scarborough
Cannon	Jones	Schaefer, Dan
Castle	Kasich	Schaffer, Bob
Chabot	Kelly	Sensenbrenner
Chambliss	Kim	Sessions
Chenoweth	King (NY)	Shaw
Christensen	Kingston	Shays
Coble	Klug	Shimkus
Collins	Knollenberg	Shuster
Combest	Kolbe	Skeen
Cook	LaHood	Smith (MI)
Cooksey	Largent	Smith (NJ)
Cox	Latham	Smith (OR)
Crane	LaTourette	Smith (TX)
Crapo	Leach	Smith, Linda
Cunningham	Lewis (CA)	Snowbarger
Davis (VA)	Lewis (KY)	Solomon
Deal	Linder	Spence
DeLay	Livingston	Stearns
Diaz-Balart	LoBiondo	Stump
Dickey	Lucas	Sununu
Doolittle	Manzullo	Talent
Dreier	McCollum	Tauzin
Duncan	McCrery	Taylor (MS)
Dunn	McDade	Taylor (NC)
Ehlers	McHugh	Thomas
Ehrlich	McInnis	Thornberry
Emerson	McIntosh	Thune
English	McKeon	Tiahrt
Ensign	Metcalfe	Trafigant
Everett	Mica	Upton
Ewing	Miller (FL)	Walsh
Fawell	Moran (KS)	Watkins
Foley	Morella	Watts (OK)
Fowler	Myrick	Weller
Fox	Nethercutt	White
Franks (NJ)	Neumann	Whitfield
Frelinghuysen	Ney	Wicker
Gallegly	Northup	Wolf
Ganske	Norwood	Young (AK)
Gekas	Nussle	Young (FL)
Gibbons	Oxley	
Gilchrest	Packard	

NOES—193

Abercrombie	Berman	Brown (FL)
Ackerman	Berry	Brown (OH)
Allen	Blagojevich	Cardin
Andrews	Blumenauer	Carson
Baessler	Bonior	Clay
Baldacci	Borski	Clayton
Barcia	Boswell	Clement
Barrett (WI)	Boucher	Clyburn
Becerra	Boyd	Condit
Bentsen	Brown (CA)	Costello

Coyne	John	Pascrell
Cramer	Johnson (WI)	Pastor
Cummings	Johnson, E.B.	Pelosi
Danner	Kanjorski	Peterson (MN)
Davis (FL)	Kaptur	Pickett
Davis (IL)	Kennedy (MA)	Pomeroy
DeFazio	Kennedy (RI)	Poshard
DeGette	Kennelly	Price (NC)
Delahunt	Kildee	Rahall
DeLauro	Kilpatrick	Rangel
Dellums	Kind (WI)	Reyes
Deutsch	Klecza	Rivers
Dicks	Klink	Rodriguez
Dingell	Kucinich	Roemer
Dixon	LaFalce	Rothman
Doggett	Lampson	Roybal-Allard
Dooley	Lantos	Rush
Doyle	Levin	Sabo
Edwards	Lewis (GA)	Sandlin
Engel	Lipinski	Sawyer
Eshoo	Lofgren	Schumer
Etheridge	Lowe	Scott
Evans	Luther	Serrano
Farr	Maloney (CT)	Sherman
Fattah	Maloney (NY)	Sisisky
Fazio	Markey	Skaggs
Filner	Martinez	Skelton
Flake	Mascara	Slaughter
Forbes	Matsui	Smith, Adam
Ford	McCarthy (MO)	Snyder
Frank (MA)	McCarthy (NY)	Spratt
Frost	McDermott	Stabenow
Furse	McGovern	Stark
Gejdenson	McHale	Stenholm
Gephardt	McIntyre	Stokes
Goode	McKinney	Strickland
Gordon	McNulty	Stupak
Green	Meehan	Tanner
Gutierrez	Meek	Tauscher
Hall (OH)	Menendez	Thompson
Hall (TX)	Millender	Thurman
Hamilton	McDonald	Tierney
Harman	Miller (CA)	Torres
Hastings (FL)	Minge	Towns
Hefner	Mink	Turner
Hilliard	Mollohan	Velazquez
Hinchey	Moran (VA)	Vento
Hinojosa	Murtha	Visclosky
Holden	Nadler	Waters
Hooley	Neal	Watt (NC)
Hoyer	Obey	Wexler
Jackson (IL)	Olver	Weygand
Jackson-Lee	Ortiz	Wise
(TX)	Owens	Woolsey
Jefferson	Pallone	Wynn

ANSWERED "PRESENT"—4

Coburn Shadegg
Sanchez Wamp

NOT VOTING—18

Barrett (NE)	Lazio	Schiff
Bishop	Manton	Souder
Conyers	Moakley	Waxman
Cubin	Oberstar	Weldon (FL)
Foglietta	Payne	Weldon (PA)
Gonzalez	Sanders	Yates

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶123.43 PRIVILEGES OF THE HOUSE

Ms. HOOLEY rose to a question of the privileges of the House and submitted the following resolution (H. Res. 295):

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be

without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas, the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore, Mr. HEFLEY, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. SOLOMON moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. HEFLEY, announced that the yeas had it.

Ms. HOOLEY demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative

¶123.44

[Roll No. 563]

AYES—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrist

Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalfe
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood

Yeas 212
Nays 197
Answered present 5

Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—197

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell

Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner

Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge

Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klecza
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender
McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascarelli
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED "PRESENT"—5

Coburn
Sanchez
Shadegg
Tiahrt
Wamp

NOT VOTING—18

Barrett (NE)
Burton
Cubin
Foglietta
Frost
Gekas
Gonzalez
Manton
Moakley
Payne
Saxton
Schiff
Souder
Thomas
Weldon (FL)
Weldon (PA)
Yates
Young (AK)

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶123.45 PRIVILEGES OF THE HOUSE

Ms. WATERS rose to a question of the privileges of the House and submitted the following resolution (H. Res. 296):

Whereas as contested election contest has been pending between Congresswoman Loretta Sanchez and Mr. Robert Dornan since December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California has only met on February 26, 1997 and October 24, 1997 in Washington D.C. and on April 19, 1997 in Orange County, California; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that dupli-

cate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore, Mr. HEFLEY, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. SOLOMON moved to lay the resolution on the table.

The question being put, viva voce,
Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. HEFLEY, announced that the yeas had it.

Ms. WATERS demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative
Yeas 214
Nays 196
Answered present 3

¶123.46

[Roll No. 564]

AYES—214

Aderholt	Barton	Blunt
Armey	Bass	Boehert
Bachus	Bateman	Boehner
Baker	Bereuter	Bonilla
Ballenger	Bilbray	Bono
Barr	Billirakis	Brady
Bartlett	Bliley	Bryant

Bunning	Hill	Petri
Burr	Hilleary	Pickering
Burton	Hobson	Pitts
Buyer	Hoekstra	Pombo
Callahan	Horn	Porter
Calvert	Hostettler	Portman
Camp	Houghton	Quinn
Campbell	Hulshof	Radanovich
Canady	Hunter	Ramstad
Cannon	Hutchinson	Redmond
Castle	Hyde	Regula
Chabot	Inglis	Riggs
Chambliss	Istook	Riley
Chenoweth	Jenkins	Rogan
Christensen	Johnson (CT)	Rogers
Coble	Johnson, Sam	Rohrabacher
Collins	Jones	Ros-Lehtinen
Combest	Kasich	Roukema
Cook	Kelly	Royce
Cooksey	Kim	Ryun
Cox	King (NY)	Salmon
Crane	Kingston	Sanford
Crapo	Klug	Saxton
Cunningham	Knollenberg	Scarborough
Davis (VA)	Kolbe	Schaefer, Dan
Deal	LaHood	Schaffer, Bob
DeLay	Largent	Sensenbrenner
Diaz-Balart	Latham	Sessions
Dickey	LaTourette	Shadegg
Doolittle	Lazio	Shaw
Dreier	Leach	Shays
Duncan	Lewis (CA)	Shimkus
Dunn	Lewis (KY)	Shuster
Ehlers	Linder	Skeen
Ehrlich	Livingston	Smith (MI)
Emerson	LoBiondo	Smith (NJ)
English	Lucas	Smith (OR)
nsign	Manzullo	Smith (TX)
Everett	McCollum	Smith, Linda
Ewing	McCrery	Snowbarger
Fawell	McDade	Solomon
Foley	McHugh	Spence
Fowler	McInnis	Stearns
Fox	McIntosh	Stump
Franks (NJ)	McKeon	Sununu
Frelinghuysen	Metcalfe	Talent
Galleghy	Mica	Tauzin
Ganske	Miller (FL)	Taylor (MS)
Gibbons	Moran (KS)	Taylor (NC)
Gilchrest	Morella	Thomas
Gillmor	Myrick	Thornberry
Gilman	Nethercutt	Thune
Goodlatte	Neumann	Trafigant
Goodling	Ney	Upton
Goss	Northup	Walsh
Graham	Norwood	Watkins
Granger	Nussle	Watts (OK)
Greenwood	Oxley	Weller
Gutknecht	Packard	White
Hansen	Pappas	Whitfield
Hastert	Parker	Wicker
Hastings (WA)	Paul	Wolf
Hayworth	Paxon	Young (FL)
Hefley	Pease	
Herger	Peterson (PA)	

NOES—196

Abercrombie	Cramer	Goode
Ackerman	Cummings	Gordon
Allen	Danner	Green
Andrews	Davis (FL)	Gutierrez
Baessler	Davis (IL)	Hall (OH)
Baldacci	DeFazio	Hall (TX)
Barcia	DeGette	Hamilton
Barrett (WI)	Delahunt	Harman
Becerra	DeLauro	Hastings (FL)
Bentsen	Dellums	Hefner
Berman	Deutsch	Hilliard
Berry	Dicks	Hinchey
Bishop	Dingell	Hinojosa
Blagojevich	Dixon	Holden
Blumenauer	Doggett	Hooley
Bonior	Dooley	Hoyer
Borski	Doyle	Jackson (IL)
Boswell	Edwards	Jackson-Lee
Boucher	Engel	(TX)
Boyd	Eshoo	Jefferson
Brown (CA)	Etheridge	John
Brown (FL)	Evans	Johnson (WI)
Brown (OH)	Farr	Johnson, E. B.
Cardin	Fattah	Kanjorski
Carson	Fazio	Kaptur
Clay	Filner	Kennedy (MA)
Clayton	Flake	Kennedy (RI)
Clement	Forbes	Kennelly
Clyburn	Ford	Kildee
Condit	Frank (MA)	Kilpatrick
Conyers	Furse	Kind (WI)
Costello	Gejdenson	Klecza
Coyne	Gephardt	Klink

Kucinich	Murtha	Serrano
LaFalce	Nadler	Sherman
Lampson	Neal	Sisisky
Lantos	Oberstar	Skaggs
Levin	Obey	Slaughter
Lewis (GA)	Olver	Smith, Adam
Lipinski	Ortiz	Snyder
Lofgren	Owens	Spratt
Lowey	Pallone	Stabenow
Luther	Pascarell	Stark
Maloney (CT)	Pastor	Stenholm
Maloney (NY)	Pelosi	Stokes
Markey	Peterson (MN)	Strickland
Martinez	Pickett	Stupak
Mascara	Pomeroy	Tanner
Matsui	Poshard	Tauscher
McCarthy (MO)	Price (NC)	Thompson
McCarthy (NY)	Rahall	Thurman
McDermott	Rangel	Tierney
McGovern	Reyes	Torres
McHale	Rivers	Towns
McIntyre	Rodriguez	Turner
McKinney	Roemer	Velazquez
Meehan	Rothman	Vento
Meek	Roybal-Allard	Visclosky
Menendez	Rush	Waters
Millender	Sabo	Watt (NC)
McDonald	Sanchez	Waxman
Miller (CA)	Sanders	Wexler
Minge	Sandlin	Weygand
Mink	Sawyer	Wise
Mollohan	Schumer	Woolsey
Moran (VA)	Scott	Wynn

ANSWERED "PRESENT"—3

Coburn	Tiahrt	Wamp
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NOT VOTING—19

Archer	Manton	Souder
Barrett (NE)	McNulty	Weldon (FL)
Cubin	Moakley	Weldon (PA)
Foglietta	Payne	Yates
Frost	Pryce (OH)	Young (AK)
Gekas	Schiff	
Gonzalez	Skelton	

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶123.47 PRIVILEGES OF THE HOUSE

Mr. DOOLEY rose to a question of the privileges of the House and submitted the following resolution (H. Res. 297):

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California has met only three times; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large numbers of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore, Mr. HEFLEY, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. SOLOMON moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. HEFLEY, announced that the yeas had it.

Mr. DOOLEY demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative

Yeas	208
Nays	192
Answered present	4

¶123.48 [Roll No. 565]
AYES—208

Aderholt	Burr	Crane
Arney	Burton	Crapo
Bachus	Buyer	Cunningham
Baker	Callahan	Davis (VA)
Ballenger	Calvert	Deal
Barr	Camp	DeLay
Bartlett	Campbell	Diaz-Balart
Barton	Canady	Dickey
Bass	Cannon	Doolittle
Bateman	Castle	Dreier
Bilbray	Chabot	Duncan
Bilirakis	Chambliss	Dunn
Bliley	Chenoweth	Ehlers
Blunt	Christensen	Emerson
Boehlert	Coble	English
Boehner	Collins	Ensign
Bonilla	Combest	Everett
Brady	Cook	Ewing
Bryant	Cooksey	Fawell
Bunning	Cox	Foley

Fowler	LaTourette	Rogers
Fox	Lazio	Rohrabacher
Franks (NJ)	Leach	Ros-Lehtinen
Frelinghuysen	Lewis (CA)	Roukema
Galleghy	Lewis (KY)	Royce
Ganske	Linder	Ryun
Gekas	Livingston	Salmon
Gibbons	LoBiondo	Sanford
Gilchrist	Lucas	Saxton
Gillmor	Manzullo	Scarborough
Gilman	McCollum	Schaefer, Dan
Goodlatte	McCrery	Schaffer, Bob
Goodling	McDade	Sensenbrenner
Goss	McHugh	Sessions
Graham	McInnis	Shaw
Granger	McIntosh	Shays
Greenwood	McKeon	Shimkus
Gutknecht	Metcalf	Shuster
Hansen	Mica	Skeen
Hastert	Miller (FL)	Smith (MI)
Hastings (WA)	Moran (KS)	Smith (NJ)
Hayworth	Morella	Smith (TX)
Hefley	Myrick	Smith, Linda
Herger	Nethercutt	Snowbarger
Hill	Neumann	Solomon
Hilleary	Ney	Spence
Hobson	Northup	Stearns
Hoekstra	Norwood	Stump
Horn	Nussle	Sununu
Hostettler	Packard	Talent
Houghton	Pappas	Tauzin
Hulshof	Parker	Taylor (MS)
Hunter	Paul	Taylor (NC)
Hutchinson	Paxon	Thomas
Hyde	Pease	Thornberry
Inglis	Peterson (PA)	Thune
Istook	Petri	Traficant
Johnson (CT)	Pickering	Upton
Johnson, Sam	Pitts	Walsh
Jones	Pombo	Watkins
Kelly	Porter	Watts (OK)
Kim	Portman	Weller
King (NY)	Quinn	White
Kingston	Radanovich	Whitfield
Klug	Ramstad	Wicker
Knollenberg	Redmond	Wolf
Kolbe	Regula	Young (AK)
LaHood	Riggs	Young (FL)
Largent	Riley	
Latham	Rogan	

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Abercrombie	Doyle	Klink
Ackerman	Edwards	Kucinich
Allen	Engel	LaFalce
Andrews	Eshoo	Lampson
Baesler	Etheridge	Lantos
Barcia	Evans	Levin
Barrett (WI)	Farr	Lewis (GA)
Becerra	Fattah	Lipinski
Bentsen	Fazio	Lofgren
Berman	Filner	Lowey
Berry	Flake	Luther
Bishop	Forbes	Maloney (CT)
Blagojevich	Ford	Maloney (NY)
Blumenauer	Frank (MA)	Markey
Bonior	Furse	Martinez
Borski	Gejdenson	Mascara
Boswell	Gephardt	Matsui
Boucher	Goode	McCarthy (MO)
Boyd	Gordon	McCarthy (NY)
Brown (CA)	Green	McDermott
Brown (FL)	Gutierrez	McGovern
Brown (OH)	Hall (TX)	McHale
Cardin	Hamilton	McIntyre
Carson	Harman	Meehan
Clay	Hastings (FL)	Meek
Clayton	Hefner	Menendez
Clement	Hilliard	Millender
Clyburn	Hinchoy	McDonald
Condit	Hinojosa	Miller (CA)
Conyers	Holden	Minge
Costello	Hooley	Mink
Coyne	Hoyer	Mollohan
Cramer	Jackson (IL)	Moran (VA)
Cummings	Jackson-Lee	Nadler
Danner	(TX)	Neal
Davis (FL)	Jefferson	Oberstar
Davis (IL)	John	Obey
DeFazio	Johnson (WI)	Olver
DeGette	Johnson, E. B.	Ortiz
Delahunt	Kanjorski	Owens
DeLauro	Kaptur	Pallone
Dellums	Kennedy (MA)	Pascarell
Deutsch	Kennedy (RI)	Pastor
Dicks	Kennelly	Pelosi
Dingell	Kildee	Peterson (MN)
Dixon	Kilpatrick	Pickett
Doggett	Kind (WI)	Pomeroy
Dooley	Klecza	Poshard

Price (NC)	Shadegg	Thurman
Rahall	Sherman	Tierney
Rangel	Sisisky	Torres
Reyes	Skaggs	Towns
Rivers	Slaughter	Turner
Rodriguez	Smith, Adam	Velazquez
Roemer	Snyder	Vento
Rothman	Spratt	Visclosky
Roybal-Allard	Stabenow	Waters
Rush	Stark	Watt (NC)
Sabo	Stenholm	Waxman
Sanders	Stokes	Wexler
Sandlin	Strickland	Weygand
Sawyer	Stupak	Wise
Schumer	Tanner	Woolsey
Scott	Tauscher	Wynn
Serrano	Thompson	

ANSWERED "PRESENT"—4

Coburn	Tiaht
Sanchez	Wamp

NOT VOTING—28

Archer	Hall (OH)	Pryce (OH)
Baldacci	Jenkins	Schiff
Barrett (NE)	Kasich	Skelton
Bereuter	Manton	Smith (OR)
Bono	McKinney	Souder
Cubin	McNulty	Weldon (FL)
Ehrlich	Moakley	Weldon (PA)
Foglietta	Murtha	Yates
Frost	Oxley	
Gonzalez	Payne	

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶123.49 CHANGE OF REFERENCE—S. 459

On motion of Mr. GOODLING, by unanimous consent, the Committee on Resources was discharged from further consideration of the bill of the Senate (S. 459) to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

When said bill was rereferred to the Committee on Education and the Workforce.

¶123.50 ORDER OF BUSINESS—
CONSIDERATION OF THE CONFERENCE
REPORT ON S. 858

On motion of Mr. GOSS, by unanimous consent,

Ordered, That it may be in order on Friday, October 31, 1997, or any day thereafter to consider the conference report to accompany S. 858, to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read when called up.

¶123.51 ORDER OF BUSINESS—
SUSPENSION OF THE RULES

On motion of Mr. GOSS, by unanimous consent,

Ordered, That the Speaker be authorized to designate a time not later than November 7, 1997, for resumption of proceedings on the seven remaining motions to suspend the rules originally considered on Monday, September 29, 1997.

¶123.52 MESSAGE FROM THE
PRESIDENT—US-BRAZIL NUCLEAR
ENERGY AGREEMENT

The SPEAKER pro tempore, Mr. HEFLEY, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Federative Republic of Brazil Concerning Peaceful Uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with Brazil has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the non-proliferation and other foreign policy interests of the United States. The agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Brazil under appropriate conditions and controls reflecting a strong common commitment to nuclear non-proliferation goals.

The proposed new agreement will replace an existing United States-Brazil agreement for peaceful nuclear cooperation that entered into force on September 20, 1972, and by its terms would expire on September 20, 2002. The United States suspended cooperation with Brazil under the 1972 agreement in the late 1970s because Brazil did not satisfy a provision of section 128 of the Atomic Energy Act (added by the Nuclear Non-Proliferation Act of 1978) that required full-scope International Atomic Energy Agency (IAEA) safeguards in nonnuclear weapon states such as Brazil as a condition for continued significant U.S. nuclear exports.

On December 13, 1991, Brazil, together with Argentina, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABAAC) and the IAEA signed a quadrilateral agreement calling for the application of full-scope IAEA safeguards in Brazil and Argentina. This safeguards agreement was brought into force on March 4, 1994. Resumption of cooperation would be possible under the 1972 United

States-Brazil agreement for cooperation. However, both the United States and Brazil believe it is preferable to launch a new era of cooperation with a new agreement that reflects, among other things:

- An updating of terms and conditions to take account of intervening changes in the respective domestic legal and regulatory frameworks of the parties in the area of peaceful nuclear cooperation;
- Reciprocity in the application of the terms and conditions of cooperation between the Parties; and
- Additional international non-proliferation commitments entered into by the Parties since 1972.

Over the past several years Brazil has made a definitive break with earlier ambivalent nuclear policies and has embraced wholeheartedly a series of important steps demonstrating its firm commitment to the exclusively peaceful uses of nuclear energy. In addition to its full-scope safeguards agreement with the IAEA, Brazil has taken the following important nonproliferation steps:

- It has formally renounced nuclear weapons development in the Foz do Iguazu declaration with Argentina in 1990;
- It has renounced “peaceful nuclear explosives” in the 1991 Treaty of Guadalajara with Argentina;
- It has brought the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlateloloco) into force for itself on May 30, 1994;
- It has instituted more stringent domestic controls on nuclear exports and become a member of the Nuclear Suppliers Group; and
- It has announced its intention, on June 20, 1997, to accede to the Nuclear Non-Proliferation Treaty (NPT).

The proposed new agreement with Brazil permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It provides for U.S. consent rights to retransfers, enrichment, and reprocessing as required by U.S. law. It does not permit transfers of any sensitive nuclear technology, restricted data, or sensitive nuclear facilities or major critical components thereof. In the event of termination key conditions and controls continue with respect to material and equipment subject to the agreement.

From the U.S. perspective, the proposed new agreement improves on the 1972 agreement by the addition of a number of important provisions. These include the provisions for full-scope safeguards; perpetuity of safeguards; a ban on “peaceful” nuclear explosives using items subject to the agreement; a right to require the return of items subject to the agreement in all circumstances for which U.S. law requires such a right; a guarantee of adequate physical security; and rights to ap-

prove enrichment of uranium subject to the agreement and alteration in form or consent of sensitive nuclear material subject to the agreement.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for the purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. The Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 30, 1997.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 105-161).

¶123.53 SENATE CONCURRENT
RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 37. Concurrent resolution expressing the sense of the Congress that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide and that its international character and activities should be recognized; to the Committee on International Relations.

¶123.54 ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2013. An Act to designate the facility of the United States Postal Service located at 551 Kingstown Road in South Kingstown, Rhode Island, as the “David B. Champagne Post Office Building.”

¶123.55 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1277. An Act to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title.

¶123.56 BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2013. An Act to designate the facility of the United States Postal Service located at 551 Kingstown Road in South Kingstown, Rhode Island, as the "David B. Champagne Post Office Building."

¶123.57 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. McNULTY, for today after 7:45 p.m. and the balance of the week;

To Mr. MANTON, for today after 5:25 p.m.; and

To Mr. YATES, for today after 5:30 p.m..

And then,

¶123.58 ADJOURNMENT

On motion of Mr. NEUMANN, at 11 o'clock and 2 minutes p.m., the House adjourned.

¶123.59 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 1965. A bill to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes; with an amendment (Rept. No. 105-358 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 434. A bill to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico; with an amendment (Rept. No. 105-359). Referred to the Committee of the Whole House on the State of the Union.

¶123.60 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker.

From October 31, 1997.

H.R. 1965. Referral to the Committees on Ways and Means and Commerce extended for a period ending not later than February 27, 1998.

¶123.61 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLAGOJEVICH:

H.R. 2773. A bill to designate the facility of the United States Postal Service located at 3750 North Kedzie Avenue in Chicago, Illinois, as the "Daniel J. Doffyn Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. BLAGOJEVICH (for himself and Mr. SCHUMER):

H.R. 2774. A bill to prohibit the transfer of a handgun by a licensed dealer unless the transferee states that the transferee is not the subject of a restraining order with respect to an intimate partner or child of the transferee; to the Committee on the Judiciary.

By Mr. DOYLE:

H.R. 2775. A bill to designate the Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, as the "H. John Heinz III Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. FRELINGHUYSEN:

H.R. 2776. A bill to amend the Act entitled "An Act to provide for the establishment of the Morristown National Historical Park in the State of New Jersey, and for other purposes" to authorize the acquisition of property known as the Warren property; to the Committee on Resources.

By Mr. GEPHARDT (for himself, Mr.

FAZIO of California, Mrs. KENNELLY of Connecticut, Mr. FROST, Ms. DELAURO, Mr. EDWARDS, Mr. LEWIS of Georgia, Mr. MENENDEZ, Mr. FARR of California, Mr. BAESLER, Mr. GEJDENSON, Mr. PALLONE, Mr. ETHERIDGE, Mr. STRICKLAND, Mr. CLYBURN, Mr. CRAMER, Mr. PASTOR, Mr. BERRY, Mr. BROWN of California, Mr. CONDIT, Mr. DIXON, Mr. DOOLEY of California, Ms. HARMAN, Mr. LANTOS, Ms. LOFGREN, Mr. MARTINEZ, Mr. MATSUI, Ms. MILLENDER-MCDONALD, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. SHERMAN, Mr. STARK, Mr. TORRES, Ms. WATERS, Mr. WAXMAN, Mr. MALONEY of Connecticut, Mrs. MEEK of Florida, Mrs. THURMAN, Mr. WEXLER, Mr. BISHOP, Mr. BLAGOJEVICH, Mr. LIPINSKI, Mr. RUSH, Mr. YATES, Mr. HOYER, Mr. WYNN, Mr. NEAL of Massachusetts, Mr. BARCIA of Michigan, Ms. RIVERS, Ms. STABENOW, Mr. MINGE, Mr. SABO, Mr. VENTO, Mr. PAYNE, Mr. ROTHMAN, Mr. ACKERMAN, Mr. ENGEL, Mr. HINCHEY, Mr. RANGEL, Ms. SLAUGHTER, Mr. HEFNER, Mr. PRICE of North Carolina, Mr. DEFAZIO, Mr. SPRATT, Mr. GORDON, Mr. TANNER, Mr. BENTSEN, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. MORAN of Virginia, Mr. SISISKY, Mr. DICKS, Mr. WISE, Mr. POMEROY, Mr. BOSWELL, Mr. CUMMINGS, Mr. DINGELL, Mr. TOWNS, Mr. MCHALE, Mr. STENHOLM, Mr. McDERMOTT, Mr. JOHN, Mr. SERRANO, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. HASTINGS of Florida, Mr. HOLDEN, Mr. BROWN of Ohio, Ms. SANCHEZ, Mr. JEFFERSON, Mr. SCOTT, Mr. PICKETT, Mr. CARDIN, Mrs. MINK of Hawaii, Mr. SAWYER, Mr. COYNE, Mr. GREEN, Mr. HINOJOSA, Mr. ORTIZ, Mr. REYES, Ms. FURSE, and Mrs. MCCARTHY of New York):

H.R. 2777. A bill to amend the Federal Election Campaign Act of 1971 to limit the amount of non-Federal money that may be contributed to national political parties, to treat certain communications as independent expenditures subject to regulation under the Act, to restrict the solicitation and transfer of funds by candidates and parties to certain nonprofit organizations, and to require certain candidates to make monthly reports under the Act and to post such reports on the Internet; to the Committee on House Oversight.

By Ms. MCKINNEY:

H.R. 2778. A bill to amend the Internal Revenue Code of 1986 to increase the child care credit and provide that the credit will be refundable; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself, Mr. SCHUMER, Mrs. JOHNSON of Connecticut, Mr. DAVIS of Virginia, Ms. FURSE, Ms. CARSON, Mr. VENTO, Mr. STARK, Mr. FROST, Mr. PAYNE, Mr. HINCHEY, and Mr. SANDERS):

H.R. 2779. A bill to provide grants to establish and operate supervised visitation centers for the purposes of facilitating super-

vised visitation of children and visitation exchange; to the Committee on the Judiciary.

By Mr. SANFORD:

H.R. 2780. A bill to provide for an annual statement of accrued liability of the Old-Age and Survivors Insurance Program; to the Committee on the Budget.

By Mr. SANFORD:

H.R. 2781. A bill to amend the Social Security Act to require the Commissioner of Social Security to submit specific legislative recommendations to ensure the solvency of the Social Security trust funds; to the Committee on Ways and Means.

By Mr. SANFORD:

H.R. 2782. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide for personal investment plans funded by employee social security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN:

H.R. 2783. A bill to provide that a Member of, or Member-elect to, the House of Representatives shall not receive any annual pay increase except upon an appropriate written election; to the Committee on House Oversight.

By Mr. STARK:

H.R. 2784. A bill to amend title XVIII of the Social Security Act to limit the ability of physicians to demand more money through private contracts during periods in which the patient is in an exposed condition; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Mr. SCHUMER, Mr. DAVIS of Virginia, Mrs. JOHNSON of Connecticut, Ms. FURSE, Ms. CARSON, Mr. VENTO, Mr. LAFALCE, Mr. STARK, Mr. FROST, Mr. PAYNE, Mr. HINCHEY, and Mr. SANDERS):

H. Con. Res. 182. Concurrent resolution expressing the sense of Congress with respect to child custody, child abuse, and victims of domestic and family violence; to the Committee on the Judiciary.

By Mr. BARR of Georgia:

H. Res. 298. A resolution amending the Rules of the House of Representatives to repeal the rule allowing subpoenaed witnesses to choose not to be photographed at committee hearings; to the Committee on Rules.

¶123.62 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

217. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to Resolutions memorializing the President and the Congress of the United States to negotiate an international ban on antipersonnel landmines; to the Committee on International Relations.

218. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 4 encouraging the leaders of the United States to work with our allies and other nations toward the creation of an international ban on the manufacture, stockpiling, sale, and the use of anti-personnel landmines, and urging the President and Congress of the United States to make permanent the current moratorium on the

export of anti-personnel landmines; to the Committee on International Relations.

219. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 13 memorializing the President and Congress of the United States to continue efforts to ensure that social security and Medicare are not threatened, to protect older Americans from harm and stress, to stop efforts to hurt the income security of older Americans, and to ensure that older Americans continue to receive all that they are entitled to and deserve; jointly to the Committees on Ways and Means and Commerce.

¶123.63 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ETHERIDGE introduced A bill (H.R. 2785) for the relief of Clarence P. Stewart; which was referred to the Committee on the Judiciary.

¶123.64 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. SOUDER.
H.R. 135: Mr. STUPAK.
H.R. 145: Ms. HOOLEY of Oregon, Mr. ANDREWS, Mr. LEVIN, and Mr. McNULTY.
H.R. 176: Mr. COX of California and Mr. HILLEARY.
H.R. 296: Mr. CAMPBELL.
H.R. 350: Mr. SHERMAN.
H.R. 352: Mr. WELDON of Florida.
H.R. 371: Mr. MORAN of Virginia and Mr. CALVERT.
H.R. 611: Ms. WATERS, Mr. SCHUMER, Mr. BLUMENAUER, and Mr. RODRIGUEZ.
H.R. 634: Mr. MCCOLLUM.
H.R. 721: Mr. BLUMENAUER.
H.R. 758: Mrs. FOWLER, Mr. COLLINS, and Mr. BARTON of Texas.
H.R. 805: Mr. LATOURETTE.
H.R. 836: Mr. HILLEARY.
H.R. 959: Mr. SHERMAN.
H.R. 971: Mr. ROTHMAN.
H.R. 979: Mr. McDADE, Mr. NEY, Mr. BATEMAN, Mr. RIGGS, and Mr. GEKAS.
H.R. 981: Mr. EVANS and Mrs. MALONEY of New York.
H.R. 1010: Mr. JOHN, Mr. HILL, Mr. KASICH, and Mr. BOYD.
H.R. 1031: Mrs. NORTHUP.
H.R. 1130: Mr. GUTIERREZ.
H.R. 1151: Mr. DOYLE and Mr. FAWELL.
H.R. 1202: Mr. WOLF, Ms. WATERS, Ms. ROYBAL-ALLARD, Mrs. LOWEY, Mr. PASCRELL, Mr. KENNEDY of Massachusetts, Mr. DIXON, Mr. MENENDEZ, Ms. DELAURO, Mrs. MALONEY of New York, Mr. DICKS, Mr. PALLONE, and Mr. FRELINGHUYSEN.
H.R. 1356: Mr. BAKER and Ms. KILPATRICK.
H.R. 1375: Mr. POSHARD and Mr. MORAN of Virginia.
H.R. 1415: Mr. JACKSON, Mrs. TAUSCHER, and Mr. FRELINGHUYSEN.
H.R. 1425: Mr. ROTHMAN.
H.R. 1500: Mrs. MCCARTHY of New York.
H.R. 1504: Mr. BARR of Georgia.
H.R. 1595: Mr. ISTOOK, Mr. MICA, and Mr. PAUL.
H.R. 1636: Mr. BORSKI.
H.R. 1679: Mr. MCGOVERN.
H.R. 1711: Mr. BAESLER, Mr. COMBEST, Ms. GRANGER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCHUGH, Mr. PETRI, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, and Mr. SUNUNU.
H.R. 1715: Mr. GREENWOOD, Mr. FOX of Pennsylvania, and Mr. WELDON of Pennsylvania.
H.R. 1802: Mr. POMBO, Mr. CUNNINGHAM, and Mr. BARTLETT of Maryland.
H.R. 1861: Mr. LAMPSON and Ms. ROYBAL-ALLARD.

H.R. 1984: Mr. REYES.
H.R. 2023: Ms. SLAUGHTER, Mr. JACKSON, and Mrs. CLAYTON.
H.R. 2121: Mr. BENTSEN.
H.R. 2139: Mr. BOUCHER.
H.R. 2172: Mr. MCHUGH.
H.R. 2195: Mr. FILNER.
H.R. 2211: Ms. PELOSI, Mr. SANDERS, and Ms. FURSE.
H.R. 2221: Mr. MANZULLO and Mr. ARMEY.
H.R. 2253: Ms. PELOSI, Mr. RUSH, and Mr. SERRANO.
H.R. 2292: Mr. QUINN, Mr. JOHNSON of Wisconsin, and Ms. DELAURO.
H.R. 2349: Mr. RADANOVICH, Mr. CAMPBELL, Mr. BILBRAY, Mr. HUNTER, Mr. POMBO, Mr. KIM, and Mr. MCKEON.
H.R. 2408: Ms. SLAUGHTER and Mr. BONIOR.
H.R. 2431: Mr. DEFAZIO, Mr. GORDON, Mr. LAHOOD, Mr. MCHALE, Mr. MCKEON, Mr. RILEY, Mr. TAYLOR of North Carolina, and Ms. VELAZQUEZ.
H.R. 2439: Mr. DAVIS of Virginia.
H.R. 2449: Mr. SNOWBARGER.
H.R. 2450: Mrs. EMERSON.
H.R. 2468: Mr. BISHOP.
H.R. 2476: Ms. BROWN of Florida, Mr. KENNEDY of Rhode Island, and Mr. COSTELLO.
H.R. 2485: Ms. DEGETTE.
H.R. 2499: Mr. WELLER, Mr. HULSHOF, and Mr. SOUDER.
H.R. 2503: Ms. DELAURO.
H.R. 2593: Mr. GEJDENSON, Mr. PETRI, Ms. DANNER, Mr. MARTINEZ, Mr. YOUNG of Alaska, Mr. GEKAS, Mr. DOOLITTLE, Mr. BALLENGER, Mr. EWING, Mr. TRAFICANT, Mrs. CHENOWETH, Mr. POMBO, and Ms. CARSON.
H.R. 2596: Mr. BOEHNER, Mr. MCHUGH, Mr. GEKAS, and Mr. SMITH of Michigan.
H.R. 2602: Mr. SHAYS and Ms. KILPATRICK.
H.R. 2608: Mr. RIGGS.
H.R. 2639: Ms. SLAUGHTER.
H.R. 2650: Mr. MOLLOHAN.
H.R. 2676: Mr. TALENT, Mr. JOHN, Ms. HARMAN, Mr. SAXTON, Ms. RIVERS, Mr. HALL of Texas, Mr. ROYCE, Mr. FROST, Mrs. LINDA SMITH of Washington, Mr. BOSWELL, Mr. THUNE, Ms. HOOLEY of Oregon, Mrs. CHENOWETH, Mr. SPRATT, Mr. EWING, Mr. CLEMENT, Mr. NEY, Ms. ESHOO, and Mr. ROTHMAN.
H.R. 2699: Mrs. MEEK of Florida, Mr. GUTIERREZ, Mr. RUSH, Mr. HINCHEY, Ms. KILPATRICK, Ms. HOOLEY of Oregon, Mr. ACKERMAN, Ms. MILLENDER-MCDONALD, Mr. FROST, and Ms. SLAUGHTER.
H.R. 2709: Mr. CAMPBELL, Mr. BAESLER, Mr. GREEN, Mr. CUNNINGHAM, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. WEXLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PASCRELL, Mr. COYNE, Mr. BARTLETT of Maryland, Mr. SHERMAN, Mr. KIND of Wisconsin, Mr. SNOWBARGER, Mr. FRANKS of New Jersey, Mr. BARR of Georgia, Mrs. MALONEY of New York, Mr. WAMP, Mr. PAPPAS, Mr. NEAL of Massachusetts, Mrs. NORTHUP, Mr. SALMON, Mr. PARKER, Mr. REYES, Mr. MALONEY of CONNECTICUT, Mr. HUTCHINSON, Mr. PICKERING, Mrs. THURMAN, Mr. SHAW, Mr. WEYGAND, Mr. FRELINGHUYSEN, Mr. DIXON, Mr. JONES, Mr. PITTS, Mr. ENGLISH, Mr. CANNON, Mr. SESSIONS, Ms. BROWN of Florida, Mr. GORDON, Mr. TAUZIN, Mr. SAM JOHNSON and Mrs. EMERSON.
H.R. 2723: Mr. SESSIONS and Mr. KINGSTON.
H.R. 2741: Mr. CONDIT.
H. Con. Res. 12: Mr. LIPINSKI.
H. Con. Res. 41: Mr. MASCARA.
H. Con. Res. 80: Mr. COMBEST.
H. Con. Res. 132: Mr. SOUDER and Mr. TALENT.
H. Con. Res. 148: Mr. LOBIONDO.
H. Con. Res. 156: Mr. ACKERMAN.
H. Con. Res. 174: Mrs. MALONEY of New York, Mr. FRANK of Massachusetts, Mr. WATTS of Oklahoma, Mr. HINCHEY, Mr. McNULTY, Mr. ENGEL, Mr. WOLF, Ms. JACKSON-LEE, Mr. SCHUMER, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. YATES, Mr. FROST,

Mr. FALEOMAVAEGA, Mr. HASTINGS of Florida, Mr. ROTHMAN, Ms. LOFGREN, Ms. SANCHEZ, Mr. KING of New York, Mr. GUTIERREZ, and Mr. FOLEY.

H. Con. Res. 175: Mr. SKEEN and Mr. YOUNG of Alaska.

H. Res. 37: Mr. BLAGOJEVICH and Mr. LIPINSKI.

H. Res. 224: Mr. FROST, Mr. PAXON, Mr. ALLEN, and Ms. SLAUGHTER.

H. Res. 267: Mr. HAYWORTH and Mr. RYUN.

H. Res. 275: Mr. LUTHER.

¶123.65 PETITIONS, ETC.

Under clause 1 of rule XXII,

26. The SPEAKER presented a petition of the City Council of the City of Plantation, Florida, relative to Resolution No. 7234 expressing strong opposition to the introduction and consideration of H.R. 1534, referred to as the "Private Property Rights Implementation Act," and its corresponding Senate Bill, S. 1204; which was referred to the Committee on the Judiciary.

¶123.66 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2459: Mr. PAXON.

FRIDAY, OCTOBER 31, 1997 (124)

¶124.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SHIMKUS, who laid before the House the following communication:

WASHINGTON, DC,
October 31, 1997.

I hereby designate the Honorable JOHN SHIMKUS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

¶124.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SHIMKUS, announced he had examined and approved the Journal of the proceedings of Thursday, October 30, 1997.

Pursuant to clause 1, rule I, the Journal was approved.

¶124.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

5708. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to New Zealand (Transmittal No. DTC-118-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5709. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC-124-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5710. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Iceland (Transmittal No. DTC-122-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.